

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3441
Staff	Dakota Pahel-Short
Petitioner(s)	W.R. Vernon Produce Company, Inc.; IH-850 Trade, LLC; and Industry Hill Properties, LLC
Owner(s)	Same
Subject Property	PINs 6835-19-5759 and 6835-19-5549, a portion of PIN 6835-19-5455, and a portion of PIN 6835-19-5350
Address	848, 850, and 860 North Trade Street
Type of Request	Special Use Limited rezoning from LI to PB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from LI (Limited Industrial) to PB-L (Pedestrian Business – Special Use Limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Combined Use; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Library, Public; Micro-Brewery or Micro-Distillery; Museum or Art Gallery; Offices; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services, A; Shopping Center; Shopping Center, Small; Special Events Center; Swimming Pool, Private; Testing and Research Lab; Theater, Indoor; Transmission Tower; Urban Agriculture; Utilities; Veterinary Services; Warehousing; Adult Day Care Center; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Family Group Home B; Family Group Home C; Life Care Community; Residential Building, Multifamily; Residential Building, Townhouse; School, Private; School, Public; and Access Easement, Private Off-Site <p>NOTE: General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.

Zoning District Purpose Statement	The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the City and County. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3.		
Rezoning Consideration from Section 3.2.15 A 13	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	The proposed uses are consistent with the purpose statement of the requested zoning district.		
GENERAL SITE INFORMATION			
Location	West side of North Trade Street between West Eighth Street and West Tenth Street		
Jurisdiction	Winston-Salem		
Ward(s)	North		
Site Acreage	± 4.02 acres		
Current Land Use	The site is fully developed. A general logistics company uses the southern properties, and a produce distribution company uses the northernmost property.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	LI	Vehicle storage and New Bethel Baptist Church
	East	E and E-L	Music venue and mixed-use commercial
	South	LI and CB	Motor vehicle repair, parking, and mixed-use commercial
	West	LI & PB	Locksmith, parking, and multifamily residential
Rezoning Consideration from Section 3.2.15 A 13	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	There is a wide range of uses surrounding the subject property, including entertainment, residential, institutional, commercial, and industrial uses. The property has a lot of potential use flexibility given this context.		
Physical Characteristics	The subject property has a gentle slope downward to the north and is developed with industrial-looking buildings, corrugated metal sheds, and gravel parking lots for the existing uses.		

Proximity to Water and Sewer	Public water and sewer mains exist beneath North Trade Street, West Tenth Street, and Oak Street.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The property is not located within a water supply watershed nor within an overlay district.					
Analysis of General Site Information	Existing conditions offer no restrictions to the rezoning and potential redevelopment of this property.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3274	LI to E-L	Approved 11/2/15	Directly east	9.3	Approval	Approval
W-3187	GB and PB to E	Approved 7/1/13	Directly east	4.4	Approval	Approval
W-2853	LI to PB	Approved 6/19/06	Directly west	3.1	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
North Trade Street	Minor Thoroughfare	446 feet	N/A	N/A		
West Tenth Street	Local Street	383 feet	N/A	N/A		
Oak Street	Local Street	445 feet	N/A	N/A		
Proposed Access Point(s)	Because this is a Limited Use request with no site plan, staff cannot determine proposed access points.					
Trip Generation - Existing/Proposed	Because there are no site plans associated with the existing or proposed uses(s), staff is unable to estimate either the existing or proposed trip generation for the site.					
Sidewalks	Sidewalks exist along the eastern and northern boundaries (North Trade Street and West Tenth Street) of the subject property. A portion of the western boundary (Oak Street) also has sidewalk along its frontage.					
Transit	WSTA Routes 91 and 106 have stops along North Trade Street.					
Analysis of Site Access and Transportation Information	The site has access to public sidewalks and has room for parking, but both could use repair and increased investment.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy 2030 Growth Management Area	Growth Management Area 2 - Urban Neighborhoods					
Relevant	<ul style="list-style-type: none"> Encourage reuse of vacant and underutilized commercial and industrial sites. 					

Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Make Downtown the dominant focus of economic and social life; a center of civic, entertainment and cultural activities; and a strong symbol of community pride and identity. • Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.
Relevant Area Plan(s)	<i>North Central Winston-Salem Area Plan (2015)</i>
Area Plan Recommendations	This plan recommends keeping a flexible outlook, supporting the growth and expansion of industrial uses at this location, but it supports ventures that develop new or convert existing industrial buildings to residential, commercial, and office uses. Site design should incorporate pedestrian-oriented design elements such as street trees, buildings located close to the street, building façade articulation and variety, and transparent windows and doors.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Rezoning Consideration from Section 3.2.15 A 13	Have changing conditions substantially affected the area in the petition?
	No
	Is the requested action in conformance with <i>Legacy 2030</i>?
	Yes
Analysis of Conformity to Plans and Planning Issues	Rezoning the subject property from LI to PB-L is consistent with the flexible uses and outlook suggested for this location in the area plan. The proposed uses would increase development density downtown and are more compatible with the existing uses permitted on adjacent properties.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the recommendation of <i>Legacy</i> regarding the reuse of vacant and underutilized sites.	The request eliminates existing zoning devoted specifically to industrial uses.
The request is consistent with the recommendation of the <i>North Central Winston-Salem Area Plan</i> for the North Trade Street Potential Mixed-Use Area.	
The request would allow more pedestrian-friendly mixed-use areas in the downtown area.	

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
 - a. Sidewalks shall be installed along all street frontages where none currently exists.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue or request modification to any request. **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.**

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3441 May 28, 2020

Dakota Pahel-Short presented the staff report.

George Bryan asked what staff's feeling was about the different types of uses abutting with entertainment and how that will work out in the future. Dakota stated that the Pedestrian Business district would function as a buffer for the E district. It is supposed to produce a walkable area, which seems compliant with having a school; whereas, the current Limited Industrial district does not fit a school, or really condominiums, adjacent to it.

Aaron stated that there was debate among staff regarding E zoning and PB zoning, and in the end staff is comfortable with the PB-L zoning because a lot of the uses requested are similar to those that are allowed in the E district. Aaron explained that if you pull the E-L zoning case and what's allowed in the E district, it's very mixed-use oriented, and a lot of the uses and what's intended here are all in the same vein. It fits with the surrounding zoning, and it's in line with the type of development that has taken place in this area of town over the years. Staff feels like it meets the Special Land Use consideration that's called for on this site. Staff also feels those two districts are very similar. Back in 2011-2012, staff was of the opinion one should use the PB district because it does a lot of what the E district was trying to achieve. Staff feels those districts are very close.

George stated that his question came from Stimmel's letter that talked about residential multifamily. It obviously works Downtown, where there are a number of venues, a number of bars that operate until late at night with residential there. It almost doesn't make sense not to call it Downtown, in a sense, if the uses are mixed like that. As long as people's expectations meet and understand that.

Jack Steelman stated that he was highly appreciative of Downtown walkability and connectivity, and as a condition of staff's recommendation for the developer to construct new sidewalks where there are none, he would equally recommend that the City do its part as well, replacing the dilapidated public sidewalks that currently exist so there is a cohesive, finished project at the end of the day.

PUBLIC HEARING

FOR:

Luke Dickey, Stimmel Associates, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

- This site is being looked at by DPJ Residential as the developer, if you're familiar with West End Station. They also did the Easley Apartments, so this is the third development

that they are looking at in the community. Market rate apartments that are roughly 244 units as planned are still being developed for that. Overall, he is looking at a \$45 million investment in this area. It's also in an opportunity zone. We're looking at this as kind of a transition zone as it moves forward in the future. Of course with the Ramkat there, Wise Man Brewing, Earl's Whiskey Bar, I just think it's a great, vibrant area to be located as the next up and coming location in Winston-Salem, with its proximity to Downtown.

- We looked at both the E district and the PB district, discussed it with staff, and felt it was better to go with PB as kind of a transitional zoning at this point. At one time, the New Bethel Baptist Church had concerns from when the E-Limited across the way was zoned that that E district would continue on, so we felt this was a good buffer between that zoning and making the transition back towards Eighth Street. Plus, the adjacent existing condominium building is also PB.
- We sent out approximately 76 notification invites in our neighborhood outreach. Two property owners responded and were supportive of the rezoning. One was in the condominiums and another just off University Parkway. At this point we have no known opponents to the proposed rezoning.
- We worked with Planning staff on uses, and staff is supportive.
- This area provides for mixed-use opportunity in a redeveloping area of Downtown that is transitioning from former industrial uses.
- This proposed rezoning is consistent with the *North Central Winston-Salem Area Plan*.
- There is no known opposition to the request.

John Klinedinst, 836 Oak Street, Winston-Salem, NC 27101

- I did not say I wanted to speak in support, although I am in support of it. I would just echo all of the things that Stimmel has said. It sounds like a very good neighbor for our condominium building.

Martha Myer, 836 Oak Street, Winston-Salem, NC 27101

- I do think that this is a good use for this property. My concern with the zoning request is that no site plan seems to be required to do it, and I think it would be helpful if we could see a site plan before it's approved by City Council.
- We have some people actually living on Oak Street out of their vehicles. I am concerned about that. And I don't know if that's a matter for Social Services or someone else to help these people who are basically homeless, unless you consider their vehicles a home.

AGAINST:

Lou Carrico, Winston-Salem Rescue Mission, 718 N. Trade Street, Winston-Salem, NC 27101

- This is my first zoning case, and I really wanted to listen in and see what this was going to be about today and how it might or might not affect the Rescue Mission and our location there. I'm definitely not an opponent now that I've listened in on this conversation today. I would say that we are a proponent. We want to have a good relationship with our neighbors.
- We do have some concerns as far as the E district and what we're trying to do at the Rescue Mission with our men in recovery. We are doing very well. We realize that's just the

nature of being in Downtown. But as far as the PB district being a buffer for that area, it's definitely a good thing.

- I do appreciate Martha's request for the site plan. I think that would be very helpful. I wanted to at least reserve the right to be an opponent if anything would have come up that I thought might have adversely affected the Rescue Mission, but I'm not hearing that. That is the only reason I came in as an opponent. I would retract that and we would be a proponent and do not want to hinder any beautification of our area with things that are good, like the PB districting.

WORK SESSION

Jack Steelman asked staff for input on the fact that the proposed list of permitted uses includes far more uses than are needed for what is being discussed today. Jack reviewed aloud some of the uses listed that do not seem overly compatible.

Luke Dickey stated that when it comes to zonings, property owners like to include as many uses as possible in case the project does not work out. It keeps flexibility open, from a zoning standpoint, and is supported by the area plan as well.

Aaron stated that applicants are always encouraged to consider all appropriate uses, and if the deal falls through, perhaps there will be appropriate zoning in place for someone else as long as the land uses make sense. Staff did not see any that were out of character with the area.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services