



DOCKET #: W2389

PROPOSED ZONING:
PB-S (Restaurant Without Drive Through)

EXISTING ZONING:
HB and LI-S

PETITIONER:
Jesus Ruiz for property owned by Dewey Guy Wilkerson, III

SCALE: 1" represents 200'

STAFF: G. Simmons

GMA: 3

ACRE(S): 1.43

MAP(S): 618850

April 19, 2000

Jesus Ruiz
150 Almont Forest Drive
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-2389

Dear Mr. Ruiz:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
John K. Lewandowski, 1016 W. Fifth Street, Winston-Salem, NC 27101
Donald Shaw, 630 Mission Road, Winston-Salem, NC 27103
Brenda Dickhauser, Mission Road, Winston-Salem, NC 27103
Thomas McDonald, 574 Mission Road, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: April 19, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Jesus Ruiz for property owned by Dewey Guy Wilkerson, III

SUMMARY OF INFORMATION:

Zoning map amendment of Jesus Ruiz for property owned by Dewey Guy Wilkerson, III from HB and LI-S to PB-S [Restaurant (without drive-through service)]: property is located on the northwest corner of Stratford Road and Mission Road (Zoning Docket W-2389).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jesus Ruiz for property owned by Dewey Guy Wilkerson, III, Docket W-2389

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 Board of Aldermen 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 and LI-S (Eating establishments; Manufacturing or processing; 3; Medical, dental or related offices; Offices; Printing or binding; Services; Stores or shops, retail; and Wholesale sales) to PB-S [Restaurant (without drive-through service)] the zoning classification of the following described property:

Lots 38D and 104, Tax Block 2406 lying and being in the City of Winston-Salem, Forsyth County, North Carolina and BEGINNING at an iron stake at the north side of South Stratford Road, said stake being at the southeast corner of the C. F. Miller Estate, being located also at the northwest corner of intersection of Mission Road with the said South Stratford Road; from said beginning point running clock wise, south 54E 04' west 92.91 feet to the iron stake, than north 28E 12' 20" west 116.30 feet to an iron stake and continue in the same direction for 51.38 feet to a stake, than turning south 54E 30' west 164.75 feet to the southwest corner of lot 10Y, from where north 23E 15' west 181.89 feet to the stake, thence north 57E 08' east 264.30 feet to the stake at the northeast corner of the lot, thence along Mission Road, south 24E 12' east 337.79 feet to the beginning point at the northwest corner of intersection of Mission Road and South Stratford Road. Containing 1.43 acres and being Tax Block 2406, Tax Lots 38D and 104.

Section 2. This Ordinance is adopted after approval of the site plan entitled Mi Pueblo Restaurant and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Jesus Ruiz for property owned by Dewey Guy Wilkerson, III.

Section 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Mi Pueblo Restaurant. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Jesus Ruiz for property owned by Dewey Guy Wilkerson, III, (Zoning Docket W-2389). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for PB-S [Restaurant (without drive-through service)], approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" and signed, provided the property is developed in accordance with requirements of the PB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- C **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - b. Right-of-way dedication necessary to accommodate required sidewalks and road widening shall be made to the City of Winston-Salem.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall widen the west side of Mission Road with curb and gutter to accommodate left and right turn lanes at the intersection of Stratford Road. Said widening shall extend from Stratford Road northward to the front of the proposed building. Improvements shall be made in accordance with City of Winston-Salem Department of Transportation specifications.
- b. A five (5) foot wide sidewalk shall be built along the entire frontage of the property on Mission Road and Stratford Road.
- c. All required storm water management devices shall be installed.
- d. All required fire hydrants shall be installed in accordance with the City Fire Department.

C OTHER REQUIREMENTS

- a. Developer shall install a six (6) foot high wooden opaque fence a minimum of fifteen (15) feet away from residentially zoned properties on the north side of site. Said fence and associated Type II Bufferyard plantings shall meet requirements of UDO Section 3-5.
- b. One (1) freestanding monument sign shall be permitted with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

ZONING STAFF REPORT

DOCKET # W-2389
STAFF: Glenn Simmons

Petitioner(s): Jesus Ruiz
Ownership: Dewey Guy Wilkerson, III

REQUEST

From: HB Highway Business District and LI-S Limited Industrial District (Eating establishments; Manufacturing or processing: 3; Medical, dental or related offices; Offices; Printing or binding; Services; Stores or shops, retail; and Wholesale sales)
To: PB-S Pedestrian Business District [Restaurant (without drive-through service)]

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 1.43 acres

LOCATION

Street: Northwest corner of South Stratford Road and Mission Road.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Restaurant (without drive-through service).
Square Footage: 7,104 sf building with 1,750 sf outdoor eating area.
Building Height: One story.
Parking: Required: 83 spaces at one space per 75 square feet of GFA; Proposed: 84 spaces (including 4 handicapped spaces).
Bufferyard Requirements: A minimum type II bufferyard is required for PB properties located adjacent to RS-9 zoned property.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Older, poorly maintained concrete block structure.
Adjacent Uses:
Northeast - Residential area zoned RS-9 and small businesses zoned HB along Stratford Road.

- Southeast - On the other side of Stratford Road is Southern Railroad, with a heavy buffer between the railroad track and residential area zoned RS-9 further south.
- Southwest - Small businesses zoned HB.
- Northwest - Residential area zoned RS-9.

GENERAL AREA

Character/Maintenance: A mixture of well, moderately, and poorly maintained commercial structures facing Stratford Road.

Development Pace: Slow to moderate redevelopment of the area.

TRANSPORTATION

Direct Access to Site: Mission Road and Stratford Road.

Street Classification: Mission Road - local/City street; Stratford Road - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Stratford Road south of Mission Road - 21,987/20,000 (WSDOT 95 intersection count)

Trip Generation/Existing Zoning: HB & LI-S

Restaurant (sit-down) $9,600/1,000 = 9.6 \times 130.34 = 1,251$ trips

Trip Generation/Proposed Zoning: PB-S

Restaurant (sit-down) $7,104/1,000 = 7 \times 130.34$ (trip rate) = 912 trips

Planned Road Improvements: None.

Sight Distance: Adequate.

Sidewalks: Needed along Mission Street and Stratford Road.

Transit: Route 20 along Stratford Road.

HISTORY

Relevant Zoning Cases:

1. W-2001; RS-9 to HB-S (Parking, Commercial); expansion of parking area on north side of Rock-O-La restaurant site; denied November 6, 1995; 0.56 acre; Planning Board recommended approval and staff recommended approval of part of the site and denial of part.
2. W-1846; R-4 to B-3-S (Parking Areas); approved in part November 1, 1993; expansion of parking area northwest of Rock-O-La (adjacent to site in #1 above); 0.41 acre; Planning Board recommended denial and staff recommended approval of part of the site and denial of part.
3. W-1750; B-3 (comparable to HB) and R-4 (comparable to RS-9) to I-2-S (Multiple Manufacturing and Commercial uses) Two Phase; approved March 2, 1992; northern LI-S zoned portion of current site; 1.06 acres; Planning Board and staff recommended approval.
4. W-1194; R-4 (comparable to RS-9) to B-3 (comparable to HB); denied February 13,

1985; Petition included the residentially zoned portion of the current petitioned site; 1.06 acres; Planning staff recommended denial of the petition and Planning Board recommended that the petitioner file a special use district zoning request. The six (6) months time limit expired, however, and the petition was rejected.

5. W-1365; B-3 (comparable to HB) and R-4 (comparable to RS-9); withdrawn May 8, 1986; petition included the residentially zoned portion of the current site and land located opposite Mission Road; Planning staff recommended approval of the petition. The petition was allowed to be withdrawn by the Planning Board due to neighborhood opposition to the closing of Mission Road.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Development of activity nodes at planned locations; separation and buffering of commercial, office and industrial uses from residential areas; preservation of urban neighborhoods; improvements should be encouraged for existing highway commercial areas, such as consolidation of vehicular access points, improved signage, extensive landscaping, and deepening of lots; and, commercial uses shall be located and designed to encourage access by transit and pedestrians.

Area Plan/Development Guide: None.

ANALYSIS

The proposed 1.43 acre PB-S site is comprised of existing HB and LI-S zoning classifications. The existing 1.06 acre, LI-S portion of the site (I-2-S prior to the adoption of the UDO), was approved for a variety of uses which included eating establishments. The approved special use district site plan showed a proposed single story building with a total area of 9,600 square feet. A fifteen foot wide, type A bufferyard (comparable to a current type III bufferyard) with a six foot high opaque fence was also shown at the rear of the property adjacent to residentially zoned land. The approved site plan has not been constructed and the LI-S portion of the request remains vacant.

The current petition alternatively proposes to locate a 7,104 square foot restaurant (without drive-through service) nearer the front portion of the site on the existing HB zoned land. The rear, LI-S zoned portion of the current petition is proposed primarily to be used for parking. Vehicular access to the site is proposed from Mission Road.

Generally staff is supportive of the request based on several factors which help promote neighborhood scale retail business development along Stratford Road and serve to protect existing residential areas from the encroaching business activities. In this instance, the petitioner proposes to limit the array of previously approved industrial and commercial uses to a single restaurant use without drive-through service. An additional advantage of the proposed PB-S

district is that the zero building setback allowances permit the restaurant structure to be located closer to the street. This will allow a more pedestrian scale to the site and allow the rear parking area to be further separated from adjacent residential properties with a 25' wide landscape bufferyard instead of the 15-foot wide buffer as approved in the previous plan. The developer also proposes to provide a sidewalk along Mission Road and Stratford Road for the full contiguous length of the property.

By consolidating the two existing zoning lots into a single special use district request, the developer has proposed a pedestrian scale restaurant, with sidewalks and an outdoor eating area. The pedestrian scale and character of the proposed restaurant with parking oriented to the rear of the site appears to be consistent with the purpose statement of the PB district. Staff believes that such a development, with required site plan conditions will be an attractive and complementary addition to automobile oriented, commercial developments along this section of Stratford Road. Staff is encouraged that the project may serve as a model for future, pedestrian-scale projects to redevelop in this area.

FINDINGS

1. The proposal is comprised of two commercially zoned tracts which currently allow the proposed restaurant use.
2. The proposed zoning and site plan are consistent with the Pedestrian Business zoning district purpose statement of the UDO.
3. The proposed zoning reconfigures the existing site LI-S plan to position the proposed restaurant closer to the road with parking located to the rear of the property.
4. The 15-foot wide required bufferyard as shown in the previously approved LI-S zoning has been expanded to 25 feet under the current proposal.
5. The proposed PB-S zoning with a restaurant without drive-through service may provide a model precedent for other pedestrian-scale development along Stratford Road.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

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- b. One (1) freestanding monument sign shall be permitted with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

[*For information purposes only:* The draft *Legacy* plan indicates the petitioner's site is located in the municipal services area of *Legacy's* growth management plan. Stratford Road is designated as an urban boulevard in the *Legacy* plan. Urban boulevards are special corridors that radiate out from downtown Winston-Salem and link the downtown to activity centers. Intense development is promoted for these urban corridors and their purposes include concentrating jobs, retail and higher density housing at points along the corridors, and promoting high quality transit service and pedestrian access.]

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

John Lewandowski, 1016 W. 5th Street, Winston-Salem, NC 27101

Our firm designed this facility.

I want to add only three short items to what we just heard from staff.

First, our goal is to satisfy the owner by building an attractive, functionally usable restaurant. The second is to apply for PB-S on the very specific purpose of trying to get away from the paved Stratford Road/parking lot area and to provide true Pedestrian Business. The third goal is to be a good neighbor to the residential community behind this site. To that end we plan significant landscaping and buffering between us and the neighbors.

AGAINST:

Donald Shaw, 630 Mission Road, Winston-Salem, NC 27103

Rock-O-La Cafe is just to the northeast of this site. Just three years ago they asked to intrude into the neighborhood for parking. The Aldermen vetoed it because of the traffic on Mission Road.

We don't have any trouble with the restaurant itself, but to have the traffic on Mission Road will have a significant impact on our neighborhood.

There are several curves between Mission Road and Westview Road. None of them can serve two vehicles at one time. One vehicle must stop and let the other pass before they can get around the corner.

The City should have made the owner of this property tear this building down three years ago. It's a disgrace.

This is a quiet neighborhood even being close to Stratford Road. Having an outside restaurant will impact on the neighborhood.

We don't want people coming in, drinking Margaritas and then driving down our roads where we're trying to raise kids.

Brenda Dickhauser, Mission Road, Winston-Salem, NC 27103

We have people walking and children riding bicycles along Mission Road. Adding traffic would create danger.

I have no objection to Mi Pueblo. I would probably go eat there, have a Margarita, and walk home.

If this is approved, Rock-O-La will probably find a way to get their access approved.

WORK SESSION

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

1. Some traffic provisions are included in this request, including widening the road and enhancing turning ability.
2. The project is an excellent design, but being next to Mission Road is a real concern.
3. Steve Johnson stated that we've been trying to encourage this type of development and site plan. We have to start somewhere.

MOTION: Steve Johnson moved approval of the rezoning petition.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements, and staff recommendations should apply.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning