DOCKET #: W2770

PROPOSED ZONING: PB-S (Restaurant without drive-through)

EXISTING ZONING: RS9

PETITIONER: Bernardin’s Inc. for property owned by Same

SCALE: 1" represents 400’

STAFF: King

GMA: 3

ACRES: 0.65

MAP: 612842
May 25, 2005

Bernardin's, Inc.
373 Jonestown Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2770

Dear Sirs:

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, AICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Doug Stimmel, c/o Stimmel Associates, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101
<table>
<thead>
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<th>DATE:</th>
<th>May 25, 2005</th>
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<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Bernardin's Inc.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Bernardin's Inc. from RS-9 to PB-S [Restaurant (without drive-through service)]: property is located on the northwest corner of Griffith Road and Frontis Street (Zoning Docket W-2770).

**PLANNING BOARD ACTION:**

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<th>MOTION ON PETITION:</th>
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<td>FOR:</td>
<td>UNANIMOUS</td>
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<td>AGAINST:</td>
<td>NONE</td>
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CITY ORDINANCE - SPECIAL USE

Zoning Petition of Bernardin's Inc., Docket W-2770

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 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 RS-9 to PB-S [Restaurant (without drive-through service)] the zoning classification of the following described property:

Tax Block 2096, Tax Lots 4, 5, 6, and 104

Section 2. This Ordinance is adopted after approval of the site plan entitled Bernardins, Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20__ to Bernardin's Inc.

Section 3. The City Council 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 Bernardin's Inc. 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 City Council
of the City of Winston-Salem

The City Council 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 Bernardins, Inc., (Zoning Docket W-2770). 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 City Council the _____ day of _____________________, 20____" 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 obtain a driveway permit from the City of Winston-Salem.
  b. 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.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. All on-site mechanical equipment and service areas shall be screened through a combination of screen walls and vegetation sufficient to satisfy the requirements of Chapter B, Article 2, Section 2-1.3 (F) (3) (b).

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. The developer shall provide sidewalk connections, linking the internal sidewalk system to the public sidewalks.

• OTHER REQUIREMENTS
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  b. Outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property. Lighting may not exceed 15’ in height.
ZONING STAFF REPORT

DOCKET #    W-2770
STAFF:      Aaron King

Petitioner(s): Bernardin’s Inc.
Ownership:  Same

REQUEST

From:  RS-9 Residential Single Family District; 9,000 sf minimum lot size
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: 0.65

LOCATION:

Street:  Northwest corner of Griffith Road and Frontis Street.
Jurisdiction:  City of Winston-Salem.
Ward:  South.

SITE PLAN

Proposed Use:  Restaurant (without drive-through service).
Square Footage:  4,535 sf.
Building Height:  60 foot maximum in the PB zoning district.
Parking: Required: 43 spaces; Proposed: 43 spaces
Bufferyard Requirements: None.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  Existing single family home with associated accessory building.
Adjacent Uses:
   North-  Restaurant, zoned GB-S.
   East-   Commercial building currently being constructed, zoned GB.
   South-  Tanning salon, zoned PB-S.
   West-   Hotel, zoned GB-S.

GENERAL AREA

Character/Maintenance:  The area north of the subject property is part of the Hanes Mall Boulevard commercial corridor and consists of an existing restaurant and hotel. The remainder of the surrounding property consists of various commercial zoning districts.
Development Pace: Moderate

HISTORY

Relevant Zoning Cases:

1. W-2746; RS-9 to PB-S (Services, Personal); approved January 25, 2005; southwest corner of Griffith Road and Frontis Street; 0.52 acre; Planning Board and staff recommended approval.

2. W-2353; RS-9 to LB-S (multiple business uses); approved January 3, 2000; south side of Frontis Street between Stratford Road and Van Buren Street; 3.23 acres; Planning Board recommended denial, staff recommended approval.

3. W-2189; GB and HB-S (Multiple Business Uses) to GB-S [Restaurant (without drive – through service); and Hotel or Motel]; approved November 11, 1997; east side of Stratford Road between Frontis Street and Hanes Mall Boulevard; 4.61 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The existing single family home and accessory building along with existing vegetation would be removed with this request.

Topography: The property is relatively flat.

Vegetation/habitat: The subject property does contain a few mature trees. The majority of the property is a well maintained lawn.

Water Supply Watershed: The subject property is not located within a water supply watershed.

TRANSPORTATION

Direct Access to Site: Griffith Road; Frontis Street

Street Classification: Griffith Road - Minor Thoroughfare; Frontis Street - Local Road

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

- On Griffith Road between Burke Mill Road and Hanes Mall Boulevard = 25,000/16,100
- Trip Generation/Existing Zoning: RS-9
  - 0.64 acre (RS-9) x 43,560/9,000 = 3 units x 9.57 (SFR Trip Rate) = 30 Trips per Day
- Trip Generation/Proposed Zoning: PB-S
  - 4,535/1,000 x 89.95 (Quality Restaurant Trip Rate) = 408 Trips per Day.

Planned Road Improvements/Thoroughfare Plan: Burke Mill Road connects S. Stratford and Hawthorne Roads and serves both residential and commercial development. A realignment of Burke Mill from Griffith Road to S. Stratford Road is currently under study.

Sight Distance: Good.

Sidewalks: The proposed site plan indicates sidewalks will be installed along the frontages of Griffith Road and Frontis Street.

Transit: Route 43 runs along Griffith Road adjacent to the subject property.
CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes focused commercial development that is designed for the pedestrian as well as the automobile. Most parking should be to the side or rear of a site where possible and buildings should face the street.

Relevant Development Guide Recommendation(s): The *South Stratford Road Development Guide* recommends office/supporting commercial development for this site. This site is also part of the Hanes Mall Boulevard Site Study within the Plan which designates the site as part of the Van Buren/Frontis Street Area Office Development. The study recommends the following:
- Limited driveway cuts.
- Along Griffith Road, one driveway will be allowed between Hanes Mall Boulevard and Frontis Street.
- Minimum setback of 40 feet from Hanes Mall Boulevard, Griffith Road, and Burke Mill Road will be required.

ANALYSIS

The subject request is to rezone 0.65 acres of property located at the northwest corner of Griffith Road and Frontis Street, from RS-9 to PB-S [Restaurant (without drive-through service)]. The site currently contains an existing single family home along with a small storage building. The subject property is located within the southeast quadrant of the Stratford Road and Hanes Mall Boulevard Intersection. This property is the last remaining residentially zoned property located within any of the four quadrants of this intersection.

The subject rezoning request to PB-S would allow the construction of a 4,535 square foot restaurant. The site plan indicates that the building will be pulled up to the southeast corner of the property with parking provided to the side and rear of the building. As mentioned previously in this report, the *South Stratford Road Development Guide* mentions a minimum 40’ setback to be required on Griffith Road. However, staff feels that the PB district would be a good fit for a number of design reasons and also supports the building being placed closer to the street to encourage more pedestrian access from surrounding uses, such as the U.S. Airways Reservations Center. The proposed restaurant will also provide 645 square feet of outdoor dining located on the west side of the building. Staff does have some concern with how the building will address the street. One reason for this concern is based on a requirement of the UDO in the PB district that states that all on-site mechanical equipment shall be screened. The screening of on-site mechanical equipment, as well as wash areas, garners extra attention in the PB district, due to the close orientation of the building to the street corner. Some means of addressing this issue of how the development relates to the street and minimizes these “backside” issues is needed. Although a representative of the petitioner offered to provide architectural elevations as a means of addressing this and staff responded positively to that offer, there are other alternate ways of mitigating these issues as well.
One important point of consideration with this request is a proposed entrance onto Griffith Road. When the adjacent property to the west was rezoned in 1997 (W-2189), the approved site plan included a condition with specific language regarding access to the subject property. Specifically the condition states:

“The existing public right-of-way for Van Buren Street located on this property shall remain open and the developer shall construct a street within said right-of-way to the specifications of the Public Works Department prior to the issuance of occupancy permits. This section of open public right-of-way will be petitioned to be closed when the adjoining property to the east is rezoned commercial. The closed portion of Van Buren Street shall also provide access to the property to the east as shown on the site plan and as also required in condition “e” below.

It is recommended by WSDOT that the proposed Griffith Road entrance in this site plan be eliminated and that access to the subject property will be in accordance with the above mentioned condition. After further consultation with the City Attorney, WSDOT also recommends that if this request is approved, both adjacent parties (this petitioner and La Quinta) could initiate a site plan amendment to W-2189 to remove the condition calling for Van Buren Street to be closed, therefore maintaining a public street access to both sites.

During the 1997 rezoning, it was staff’s position that the entire block should have been comprehensively rezoned. Ms. Bullins (the former owner of the subject property) did not wish to rezone her property at that time. The condition specified above was a compromise agreed upon by staff and the 1997 applicant to assure that the entire block would function as a cohesive unit. From a zoning standpoint, staff knew that it would only be a matter of time before the subject property was petitioned to be rezoned to a commercial zoning district. It is the last small area of residential zoning located in this quadrant and has now been surrounded by commercial zoning on all sides. The South Stratford Road Development Guide recommends that this property be developed for office/supporting commercial uses, and staff concurs that this request is consistent with that recommendation. The area plan also recommends limiting the number of driveway cuts between Hanes Mall Boulevard and Frontis Street to one driveway. Staff feels that this request is in conformity with the area plan recommendations (with the removal of the proposed Griffith Road driveway), would be consistent with the adjacent commercial uses, and provides a pedestrian friendly use for this location. For these reasons, staff recommends approval of this request provided that the site plan be adjusted to remove the Griffith Road driveway, and to address the issue of how the back of the building will appear from Griffith Road.

FINDINGS

1. The subject request would rezone 0.65 acres from RS-9 to PB-S.

2. The property is consistent with the recommendation of the South Stratford Road Development Guide.
3. The subject property is surrounded by commercial zoning and is the last pocket of residential zoning in the general area.

4. The site plan has been designed to accommodate pedestrian access from a number of surrounding uses.

STAFF RECOMMENDATION

Zoning: APPROVAL; provided the site plan is revised to remove the Griffith Road access and addresses the appearance issues at the rear of the building.

Site Plan: 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 obtain a driveway permit from the City of Winston-Salem.
  b. 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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. The developer shall provide sidewalk connections, linking the internal sidewalk system to the public sidewalks.

- **OTHER REQUIREMENTS**
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  b. Outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property. Lighting may not exceed 15’ in height.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the additional condition agreed to by the petitioners. The condition is placed under "Prior to the Issuance of Building Permits" and reads, "All on-site mechanical equipment and service areas shall be screened through a combination of screen walls and vegetation sufficient to satisfy the requirements of Chapter B, Article II, Section 2-1.3(F)(3)(d).

SECOND: Jerry Clark
VOTE:
   FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: None

__________________________
A. Paul Norby, AICP
Director of Planning
North Elevation

Scale: 1/16" = 1'-0"

West Elevation

Scale: 1/16" = 1'-0"