



**DOCKET #:** W2609

**PROPOSED ZONING:**  
Site Plan Amendment

**EXISTING ZONING:**  
PB-S

**PETITIONER:**  
Mi Pueblo HP, LLC

**SCALE:** 1" represents 200'

**STAFF:** Galloway

**GMA:** 2

**ACRE(S):** 1.43

**MAP(S):** 618850



March 19, 2003

Mi Pueblo HP, LLC  
c/o Jesus Ruiz  
P. O. Box 1791  
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-2609

Dear Mr. Ruiz:

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  
Eugene Rossitch, 4000 Huntscraft Lane, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** March 19, 2003  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Mi Pueblo HP, LLC

**SUMMARY OF INFORMATION:**

Zoning map amendment of Mi Pueblo HP, LLC from PB-S to Site Plan  
Amendment: property is located at the northwest corner of Stratford Road and  
Mission Road (Zoning Docket W-2609).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL of sign height; APPROVAL of sign relocation  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Mi Pueblo HP, LLC, Docket  
W-2609

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 PB-S to Site Plan Amendment the zoning classification of the following described property:

Tax Block 2406, Tax Lot 105

Section 2. This Ordinance is adopted after approval of the site plan entitled Mi Pueblo HP, LLC and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Mi Pueblo HP, LLC.

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 Mi Pueblo HP, LLC. 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 Mi Pueblo HP, LLC, (Zoning Docket W-2609). 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) - Site Plan Amendment], 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 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.
- **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 by the City of Winston-Salem.
- **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.

- **OTHER REQUIRMENTS**

- 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-2609  
**STAFF:** Suzy Gallaway

Petitioner(s): Mi Pueblo HP, LLC  
Ownership: Same

### **REQUEST**

From: PB-S [Restaurant (without drive-through service)]  
To: Site Plan Amendment

Acreage: 1.43 acres

### **LOCATION:**

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

### **SITE PLAN**

Proposed Change: Change condition and site plan regarding size and location of sign.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Mi Pueblo Restaurant.

Adjacent Uses:

- North - Single family homes, zoned RS-9.
- Northeast - Various commercial uses, zoned HB.
- South - Single family residences beyond Stratford Road and Norfolk-Southern Railway.
- Southwest - Various Commercial Uses, zoned HB.

### **GENERAL AREA**

Character/Maintenance: Mixture of residential and commercial uses.  
Development Pace: Moderate.

### **ANALYSIS**

The current request is for a Site Plan Amendment to allow for an eleven foot high, free-standing monument sign in lieu of the previously approved five foot high sign. Additionally, the amendment proposes to relocate the sign approximately 15 feet farther away from the previously approved location adjacent to the Stratford Road right-of-way.

When the Mi Pueblo site was originally approved, the petitioner agreed to a five foot high monument sign. The petitioner then submitted scale drawings of a proposed sign to the Inspections Division for permits. As submitted, the proposed sign showed a sign copy area height of five feet; however, the entire sign structure was considerably taller. At the time, the Inspections Division's policy was not to consider the sign border above the copy area in determining the sign height. In this case however, the top of the sign included a border which was six feet higher than the actual copy area. The sign "border" included such architectural elements as terra cotta roof tiles and a stucco façade which mimicked the architectural character of the restaurant. Initially, the Inspections Division permitted the drawings for the eleven foot sign. Subsequently, however, the Inspections Division rescinded its approval citing the excessive nature of the border. The current policy of the Inspections Division is that all new signs must now meet the height limitations as measured from the absolute top of the sign, not the top of the copy area.

Based on this new policy of the Inspections Division, the petitioner now wishes to amend the previously approved site plan condition to allow for an eleven foot high sign as originally submitted and approved by Inspections (please refer to attached sign drawing).

While Planning staff acknowledges the petitioner's attempts to meet the technical requirements of the Inspections Division's previous sign measurement policy, we also concur with Inspections regarding the excessive nature of the proposed eleven foot high sign border. Although staff could support a sign slightly higher than five feet based on what has already transpired in this case, we believe that an eleven foot tall sign at the subject site is unacceptable and was never the intent of the former measurement policy. Staff is otherwise supportive of the proposed sign relocation farther back from the right-of-way

### **FINDINGS**

1. The current request is to allow for an eleven foot high sign in lieu of the previously approved site plan condition limiting signage to five feet.
2. The original sign as proposed after the rezoning depicted a copy height of five feet with a six foot high "border".
3. The Inspections Division originally permitted the sign as submitted but subsequently, rescinded their approval citing that the six foot high border was excessive.
4. The current inspections policy is that the sign height is measured from the absolute height of the sign.
5. Although staff could support a slightly higher sign based on what has transpired in this case, staff believes that the proposed eleven foot high sign is excessive

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.



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 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.
  
- **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.
  
- **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.
  
- **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.

Suzy Gallaway presented the staff report.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

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

1. Philip Doyle: Somehow they got a permit for what they wanted, but didn't build it. Inspections rescinded the permit before the sign could be built.
2. They were actually building a sign like the one on Reynolda Road – an 18 foot sign.
3. Philip Doyle: This is more of a structure, more like a building (than a sign).

MOTION: Dara Folan moved approval of moving the sign and denial of increasing the height allowance for the sign as requested by the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Glenn, King, Norwood

AGAINST: None

EXCUSED: None

---

A. Paul Norby, AICP  
Director of Planning