

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC19
STAFF: [Elizabeth Colver](#)

REQUEST

Planning and Development Services staff are proposing amending Chapter 9 (Nonconformities) of the *Unified Development Ordinances* to revise off-street parking requirements for restaurant uses in nonresidential buildings constructed prior to March 7, 1988 in the City of Winston-Salem and September 16, 1968 in unincorporated Forsyth County (UDO-CC19), within GMA 1 (City/Town Centers) and GMA 2 (Urban Neighborhoods).

BACKGROUND

In 2006, City Council and the County Commissioners approved regulations providing greater flexibility for changes of use within older nonresidential buildings (UDO-160). These provisions allowed changes of use to take place in buildings constructed prior to 1968 (County) and 1988 (City) without triggering current parking requirements, as long as any existing parking on-site was retained. However, restaurant uses and electronic sweepstakes operations were excluded from this provision – such uses would either need to meet current UDO parking requirements, or seek an exemption from these requirements via the elected body Special Use Permit process.

Such uses were excluded from the parking provisions for older urban buildings due to a concern that they could generate a significant amount of parking that, in the absence of adequate on-site spaces, could spill over onto adjoining neighborhood streets. However, in the 16 years since these standards have been in place, staff is unaware of any Special Use Permits for restaurant parking exceptions that have been denied by the elected body, and is similarly unaware of any situations where such restaurants have created a significant negative impact on surrounding neighborhoods. Based on these factors, staff is proposing eliminating the requirement for an Elected Body SUP for restaurants in older buildings in GMA 1 and 2 that do not meet current parking requirements.

ANALYSIS

Many businesses in GMA 1 and 2 are located in older structures which are nonconforming to off-street parking requirements. Prior to the adoption of UDO-160, many of these structures sat vacant due to parking requirements, as they were developed prior to the time when commercial sites were designed to accommodate significant parking on-site. Older sites were designed to be pedestrian-oriented and were located within a short walk of surrounding neighborhoods. Problems arose when modern parking requirements were applied to such sites. UDO-160 has helped promote the re-use of existing commercial sites in the urban core, in accordance with *Legacy* principles.

Since 2006, only seven elected body SUPs (all within Winston-Salem) have been requested for restaurant parking exemptions, and all were approved. Four of these exemptions were approved since August of 2020, showing an increased interest in reusing commercial sites within the City's urban core.

The proposed text amendment revises Sections 9.4.3 E and F of the UDO to remove the requirement for an approved Elected Body SUP for a reduction in required off-street parking for restaurant uses in older commercial buildings. Restaurants would be allowed in such buildings as long as any existing parking on-site is retained.

Staff believes the proposed amendment will simplify the approval process for applicants wishing to establish restaurant uses in GMAs 1 and 2, and will create additional opportunities for adaptive reuse of existing structures. Staff does not anticipate any significant negative effects on surrounding residential neighborhoods as a result of this change.

RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC19
NOVEMBER 10, 2022**

Elizabeth Colyer presented the staff report.

George Bryan mentioned six of the seven previously approved restaurant parking exemption Special Use Permits are within the West End or on the edge of the West End. He stated he is very familiar with this type of request and has watched the ongoing redevelopment in the area. George noted that 950 Brookstown, 421 Summit, 461 West End, and 492 West End have not opened yet. 218 Spring Street is no longer a restaurant. Burke Street Pizza is the only one of these requests which has opened. George believes we should wait and see what kind of an effect the already approved parking reductions will have before changing the UDO. George does not think the parking situation has been figured out at this point, and as a City Council member said, we should take a look at these sites and see what kind of parking issues, they may have as appropriate. We do not have a record of the potential effects as many of these restaurants never materialized, and it is all piled on the West End. An interesting example is the building with the arches on Hanes Park. It used to be a pharmacy and has diagonal parking. It was a place you would go and there was a lot of traffic, but the place next to it was a service station. The service station is now a very active bar with parking all over the place that has caused numerous problems that the neighborhood is handling with permits and parking signs. George stated his motion would be for denial, with the hope that this amendment would come back to the Planning Board when there is more of a track record for these parking exemption requests.

Several board members and staff provided insight and added to the discussion.

WORK SESSION

MOTION: George Bryan recommended Denial of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan

AGAINST: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

EXCUSED: None

MOTION: Clarence Lambe recommended Approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño,
Brenda Smith, Jack Steelman

AGAINST: George Bryan

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services