

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION				
Docket #	W-3528			
Staff	Amy McBride			
Petitioner(s)	Ledestate, LLC			
Owner(s)	Same			
Subject Property	PIN 6825-86-8081			
Address	950 Brookstown Avenue			
Type of Request	<p>City Council Special Use Permit for a parking exemption for a Restaurant (without drive-through service) in Growth Management Area (GMA) 2.</p> <p>NOTE: Approval of a Special Use Permit is contingent upon an affirmative finding of all Findings of Fact as outlined in the Other Applicable Plans and Planning Issues section below.</p>			
GENERAL SITE INFORMATION				
Location	Southwest side of Brookstown Avenue, southeast of Burke Street			
Jurisdiction	Winston-Salem			
Ward(s)	Northwest			
Site Acreage	± .28			
Current Land Use	The developed site contains an unoccupied commercial building.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	PB	Multifamily apartments	
	East	PB	Commercial use	
	South	PB	Commercial use	
West	PB	Commercial use		
Physical Characteristics	The site is already developed with a single-story commercial building and a narrow drive aisle down the southeastern side.			
Proximity to Water and Sewer	The building has access to public water and sewer from Brookstown Avenue.			
Stormwater/ Drainage	There are no known stormwater or drainage issues at the site.			
Watershed and Overlay Districts	The site is not located in a watershed or overlay district.			
Analysis of General Site Information	The developable area of the site is impacted by the Peters Creek floodplain.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Brookstown Avenue	Local Street	45 feet	N/A	N/A

Proposed Access Point(s)	The site has frontage along Brookstown Avenue and is served by a private access easement to the rear of the site.	
Trip Generation - Existing/Proposed	Existing trip generation cannot be determined because the building is currently unoccupied. <u>Proposed:</u> 4,437 square feet/1,000 x 127.15 (high-turnover restaurant) = 564 trips per day	
Sidewalks	Sidewalks are located on both sides of Brookstown Avenue.	
Transit	WSTA Route 84 follows West Second Street and stops at the intersection with North Broad Street, approximately 735 feet east. WSTA Route 95 follows West First Street and stops at the intersection with Park Circle, approximately 530 feet south. WSTA Route 107 follows Burke Street about 200 feet northwest.	
Analysis of Site Access and Transportation Information	The site is accessible using a variety of transportation modes. While there is limited off-street parking, on-street parking is available near the site.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	4,437	The building occupies most of the site.
Parking	Required	Existing
	30 spaces	Four spaces
Building Height	Maximum	Existing
	60 feet	One story
Impervious Coverage	Maximum	Proposed
	Unlimited	100 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 3.2.13E: Special Use Permit by Elected Body • Section 6.1.1C: Changes in Use • Section 9.4.3E: Parking for Nonresidential Structures Built Prior to March 7, 1988 	
Complies with Section 3.2.11	(A) Legacy policies:	Yes
	(B) Environmental Ord.	N/A
	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	<p>The request would reuse the existing building with no expansion proposed. Because the proposed use is Restaurant (without drive-through service), it is not eligible for the parking exemption pertaining to changes of use in GMAs 1 and 2. The site is very narrow and has limited off-street parking. Otherwise, the site is compliant with all UDO requirements.</p> <p>A restaurant at this location would be required to provide 45 spaces, not accounting for all available reductions. (With reductions, 30 spaces would be required.) This request is the result of an inability to provide the required number of spaces.</p>	

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 2 – Urban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Require sufficient, but not excessive parking, while protecting adjacent land uses, surrounding neighborhoods, and the environment. Provide incentives to reduce on-site parking, promote active forms of transportation, and minimize environmental impacts. • Encourage attractive parking design and more efficient use of parking. • Consider minimum and maximum on-site parking requirements, shared and on-street parking incentives and approvals, fee-in-lieu of construction options, parking lot design and connectivity, neighborhood compatibility and new technologies to reduce stormwater and other environmental impacts.
Relevant Area Plan(s)	<i>South Central Winston-Salem Area Plan Update (2014)</i>
Area Plan Recommendations	The area plan recommends office use for the site.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is located adjacent to the Fourth/Burke Activity Center.
Other Applicable Plans and Planning Issues	<p>The City Council shall issue a special use permit only when it makes an affirmative finding as follows (<i>Planning staff comments in italics</i>):</p> <p><u>City Council Findings:</u></p> <ol style="list-style-type: none"> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. <p style="margin-left: 40px;"><i>The proposed use is not a threat to public health or safety. There are numerous other restaurants within the Fourth/Burke activity center. Further, no expansion to the existing building is proposed.</i></p> 2. That the use meets all required conditions and specifications. <p style="margin-left: 40px;"><i>To the extent possible, the site is compliant with all UDO requirements. This permit is necessary because the proposed use makes the site ineligible for an exemption granted to other older nonresidential buildings in the same area. The site has access to four off-street parking spaces.</i></p>

	<p>3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,</p> <p><i>Planning staff does not have the expertise to make property value determinations.</i></p> <p>4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy 2030</i>.</p> <p><i>The site is located adjacent to an activity center, where compact, pedestrian-oriented development is encouraged. Activity centers are intended to provide needed services within walking distance of residential areas. Additionally, the area plan specifically recommends strengthening the existing commercial areas in this activity center (through public and private investment) by incorporating more mixed-use development. The proposed use is compatible with many other uses in the immediate vicinity and fits well within the recommendations of the area plan.</i></p>
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CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed use strengthens the adjacent Fourth/Burke activity center by redeveloping an existing business location.	Patrons utilizing on-street parking may exacerbate the limited parking within the area.
Ample on-street parking is available along many of the streets in the vicinity (Brookstown Avenue, Burke Street, Fayette Street, and North Green Street), and the site has excellent access to pedestrian infrastructure and transit.	
The proposed use will not detract from the pedestrian-friendly character of the area by adding an off-street parking lot.	

STAFF RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3528
MAY 12, 2022**

Desmond Corley presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended that the Board find the site plan compliant with UDO requirements.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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