



**DOCKET #:** W2568

**PROPOSED ZONING:**  
LB-S (Multiple Uses)

**EXISTING ZONING:**  
LB-S and RS9

**PETITIONER:**  
Fred W. Hege

**SCALE:** 1" represents 200'

**STAFF:** Galloway

**GMA:** 3

**ACRE(S):** 1.09

**MAP(S):** 600546



August 21, 2002

Fred W. Hege  
607 Community Road  
Lexington, NC 27295

RE: ZONING MAP AMENDMENT W-2568

Dear Mr. Hege:

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  
Grover Shugart, 3015 Maplewood Drive, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** August 21, 2002  
**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 Fred W. Hege

**SUMMARY OF INFORMATION:**

Zoning map amendment of Fred W. Hege from LB-S [Restaurant (without drive-through service) and Restaurant (with drive-through service)] and RS-9 to LB-S [Arts and Crafts Studio; Food or Drug Store; Child Day Care Center; Adult Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices; and Museum or Art Gallery]: property is located at the southeast corner of Jonestown Road and Frandell Road (Zoning Docket W-2568).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Fred W. Hege, Docket W-2568

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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 LB-S [Restaurant (without drive-through service) and Restaurant (with drive-through service)] and RS-9 to LB-S [Arts and Crafts Studio; Food or Drug Store; Child Day Care Center; Adult Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices; and Museum or Art Gallery] the zoning classification of the following described property:

Tax Block 3940, Tax Lots 113 and 30

Section 2. This Ordinance is adopted after approval of the site plan entitled Shugart Office and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Fred W. Hege.

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 Shugart Office. 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 Fred W. Hege, (Zoning Docket W-2568). 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 LB-S [Arts and Crafts Studio; Food or Drug Store; Child Day Care Center; Adult Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices; and Museum or Art Gallery], approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the LB-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:

**C PRIOR TO ISSUANCE OF GRADING PERMITS**

- a. Developer shall contact the North Carolina Department of Transportation and obtain a driveway permit.

- 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, on the 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. Developer must obtain a letter from Duke Power agreeing to a bufferyard in the utility easement.

**C OTHER REQUIREMENTS**

- a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. No outdoor storage to be permitted.
- c. Any proposed site plan change to allow drive-through uses will require a site plan amendment and may require a Traffic Impact Study.

## ZONING STAFF REPORT

**DOCKET #** W-2568  
**STAFF:** Suzy Gallaway

Petitioner(s): Fred W. Hege  
Ownership: Same

### **REQUEST**

From: LB-S [Restaurant (without drive-through service) and Restaurant (with drive-through service)] and RS-9  
To: LB-S [Arts and Crafts Studio; Food or Drug Store; Child Day Care Center; Adult Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices; and Museum or Art Gallery]

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

Acreage: 1.09 acres

### **LOCATION**

Street: Southeast corner of Jonestown Road and Frandell Road.  
Jurisdiction: City of Winston-Salem.  
Ward: Southwest.

### **SITE PLAN**

Proposed Use: Multiple commercial and office uses.  
Square Footage: 12,000 square feet.  
Building Height: Three stories.  
Parking: Required: 60; proposed: 60.  
Bufferyard Requirements: 15 foot type IV adjacent to residential zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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



Existing Structures on Site: Single family home.

Adjacent Uses:

- North - Summit Square Shopping Center, zoned LB-S.
- East - Single Family Residential, zoned RS-9.
- South - Restaurant, zoned LB-S; Shopping Center further south, zoned HB-S.
- West - Single Family Residential, zoned RS-9 (LB-S zoning pending).

**GENERAL AREA**

Character/Maintenance: Well-maintained business and residential uses.

Development Pace: Rapid.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Single family home to be removed.

Topography: There is an approximate change in elevation of 10' on the subject property (from an approximate elevation of 876' in the west down to an approximate elevation of 866' in the northeast).

Vegetation/habitat: The subject property is currently developed and/or devoid of significant vegetation.

Watershed: Site is not within the boundaries of a water supply watershed.

**TRANSPORTATION**

Direct Access to Site: Frandell Rd; Jonestown Rd; Mar-Don Dr; Eastwin Dr; Country Club Rd

Street Classification: Frandell Road - local road; Jonestown Road - major thoroughfare; Mar-Don Drive - local road; Eastwin Drive - collector street; Country Club Road - major thoroughfare.

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

Jonestown Road between US 421 and Country Club Road = 20,000/23,900.

Country Club Road between Jonestown Road and Old Vineyard Road = 20,000/18,500.

Trip Generation/Existing Zoning: LB-S & RS-9.

RS-9 =  $0.43 \times 43,560/9,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ Trips per Day}$

LB-S = Formerly outdoor seating area for adjacent restaurant.

Trip Generation/Proposed Zoning: LB-S

$12,000/1,000 \times 156.48 \text{ (Walk-in Bank Trip Rate)} = 1,877 \text{ Trips per Day}$

Transit: Route 12, along Country Club Road and Route 43, along Jonestown Road

**HISTORY**

Relevant Zoning Cases:

1. W-2475; LB-S (Multiple Business Uses); withdrawn at the August 9, 2001 Planning Board public hearing; northwest corner of Jonestown Road and Eastwin Drive; 0.84 acre; staff recommended withdrawal.

2. W-2431; LO-S (Multiple Office Uses) to LB-S (Multiple Business Uses); approved October 25, 2000; on the west side of Jonestown Road and south side of Eastwin Drive; 1.54 acres; Planning Board and staff recommended approval.
3. W-2036; RS-9 and LO-S to LB-S (Multiple Business Uses); approved March 25, 1996; southwest corner of Jonestown Road and Eastwin Drive; 1.93 acres; Planning Board and staff recommended approval.
4. W-1895; R-4 to B-3-S (Eating Establishment); approved May 2, 1994; east side of Jonestown Road between Mardon Drive and Frandell Road; 1.93 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends that commercial development occur in compact development patterns. Each site should be designed to be pedestrian-friendly and relate to surrounding developments.

Area Plan/Development Guide: *Country Club/Jonestown Area Plan* (approved in 1985).

Relevant Development Guide Recommendation(s): The *Country Club/Jonestown Area Plan* provides conflicting information. On page 28 of the plan, the *Jonestown-US 421Recommendations* map recommends that the subject properties remain in low-density residential uses. However, on pages 28-30 of the plan, the *Jonestown-US 421Recommendations* text recognizes that the subject properties would convert to commercial uses. The difference between the map and text is explained when analyzing the former uses of the old Boston Market site - this area was a power substation and it was not anticipated to convert to 'usable' property when the area plan was completed. Had the subject properties been vacant or used for residential purposes, the area plan would have most likely recommended that the subject properties be converted to residential uses. Staff believes that given the history of the subject properties and the fact that the text does allow for the conversion of the subject properties to commercial uses, commercial uses are appropriate in this location so long as additional requirements are met in compliance with the area plan recommendations.

### **ANALYSIS**

The current request is to rezone 1.09 acres from RS-9 and LB-S to LB-S. The property is on the southeast corner of Frandell Drive and Jonestown Road. A portion of the property is zoned commercial, as it was the outdoor seating area of the former Boston Market Restaurant. The Jonestown Road area is comprised of a large amount of commercial and office uses. Frandell Drive is a portion of a small single family neighborhood. The portion of this site which faces Frandell was not zoned commercially as it was the location of a Duke Power substation for a number of years, and so was not anticipated for any other use. The substation has since been removed.

Commercial development on this site is expected with the removal of the substation. Although it brings non-residential onto the south side of Frandell Drive, the requested uses should not have a detrimental impact on the residential neighborhood. They are relatively low-intensity commercial and office uses which adhere to the *Country Club/Jonestown Area Plan* and have been worked out with the developer. The building is oriented toward Jonestown Road, and sidewalks are to be installed.

This site lies within the boundaries of the *Country Club/Jonestown Area Plan*. The area plan has specific recommendations relating to land uses and site design. The requirements addressing parking, access limitations, plantings, buffering, height and lighting requirements are addressed in the site plan and conditions.

Staff believes the revised list of uses requested in this petition are consistent with the comprehensive plan and the adopted area plan and, with the proposed site plan conditions, the site plan will also be consistent with the area plan.

### **FINDINGS**

1. The current request is to rezone 1.09 acres from RS-9 and LB-S to LB-S.
2. The Jonestown Road area is comprised of a large amount of commercial and office uses.
3. Although it brings non-residential onto the south side of Frandell Drive, the requested uses should not have a detrimental impact on the residential neighborhood.
4. Request and site plan will be consistent with the area plan with the proposed conditions.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

#### **C PRIOR TO ISSUANCE OF GRADING PERMITS**

- a. Developer shall contact the North Carolina Department of Transportation and obtain a driveway permit.
- 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, on the 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. Developer must obtain a letter from Duke Power agreeing to a bufferyard in the utility easement.

**C OTHER REQUIREMENTS**

- a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. No outdoor storage to be permitted.
- c. Any proposed site plan change to allow drive-through uses will require a site plan amendment and may require a Traffic Impact Study.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Arnold King moved approval of the zoning map amendment.

SECOND: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Arnold King certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning