



**DOCKET #:** W2432

**PROPOSED ZONING:**  
LO-S (Professional Office)

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
EFR Properties, LLC

**SCALE:** 1" represents 200'

**STAFF:** Hughes

**GMA:** 3

**ACRE(S):** 1.53

**MAP(S):** 606850

November 22, 2000

EFR Properties, LLC  
4540 Country Club Road  
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2432

Dear Sirs:

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  
Nelson Boyles Niblock & Green, 101 Charlois Boulevard, Winston-Salem, NC 27103  
Scott Miller, 140 Club Oaks Court, Suite B, Winston-Salem, NC 27106  
Terry Renegar, 4540 Country Club Road, Winston-Salem, NC 27104  
Don Ashe, 131 Kerrybrook Lane, Winston-Salem, NC 27104  
Patti Woodard, 218 Bogart Circle, Winston-Salem, NC 27104

**ACTION REQUEST FORM**

**DATE:** November 22, 2000  
**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 EFR Properties, LLC

**SUMMARY OF INFORMATION:**

Zoning map amendment of EFR Properties, LLC from RS-9 to LO-S (Professional Office): property is located on the north side of Country Club Road east of Old Vineyard Road (Zoning Docket W-2432).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** AVANT, BOST, JOHNSON, KING, ROUSSEAU,  
SNELGROVE, WILLIAMS  
**AGAINST:** POWELL, SCHROEDER  
**SITE PLAN ACTION:** APPROVAL WITH ADDITIONAL CONDITIONS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of EFR Properties, LLC, Docket  
W-2432

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 RS-9 to LO-S (Professional Office) the zoning classification of the following described property:

Beginning at an existing iron pin, the southwest corner of Carolina Conference Association of Seventh Day Adventist property; thence with the Carolina Conference Association of Seventh Day Adventist's eastern line north 2° 50' 46" east 442.64 feet to an existing iron pin; thence along the southern property line of lots 14 and 15 in Kerry Brook Subdivision, Plat Book 18 at page 107, south 87° 06' 58" east 98.33 feet to an existing iron pin, thence with Wayne W. Weber's western line south 17° 35' 00" east 366.78 feet to an existing iron pin on the right-of-way of Country Club Road; thence with the right-of-way of Country Club Road south 69° 15' 04" west for a total of 247.00 feet to the point of beginning, passing an existing concrete right-of-way monument at 244.70 feet and containing 1.53 acres.

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

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 EFR Properties, 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 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 EFR Properties, LLC, (Zoning Docket W-2432). 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 LO-S (Professional Office), 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 LO-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.
  - b. Developer shall cordon off existing trees to be saved in northwest corner of property as noted on the approved site plan.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Developer shall dedicate forty (40) feet from centerline as new right-of-way in fee simple to the City of Winston-Salem along the entire frontage of the property on Country Club Road.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
  - b. If an above ground storm water management pond is constructed on this property, a typical streetyard landscaping area shall be installed around the entire perimeter of the pond. This landscape area does not have to meet the ten (10) foot width requirement of the UDO.
  - c. Developer shall install a sidewalk along the entire frontage of the property on Country Club Road to the specifications of the Public Works Department of the City of Winston-Salem.
  - d. Developer shall provide a connector drive to adjoining property to the east. The connector drive shall be constructed to the property line on a reasonable grade for the future extension into the adjoining property with an easement recorded to allow cross access between properties.
  - e. All required fire hydrants shall be installed in accordance with the City Fire Department.
  - f. Developer shall install a type III bufferyard at the top of the fill slope at the rear of the parking area along the southern property line in lieu of the UDO required type II bufferyard.
  
- **OTHER REQUIREMENTS**
  - a. One (1) free standing sign shall be permitted on Country Club Road. Said sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of twenty (20) square feet.

## ZONING STAFF REPORT

**DOCKET #** W-2432  
**STAFF:** Suzy Hughes

Petitioner(s): EFR Properties, LLC  
Ownership: Same

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: LO-S Limited Office District (Professional Office)

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

Acreage: 1.53 acres

### **LOCATION**

Street: North side of Country Club Road east of Old Vineyard Road.  
Jurisdiction: City of Winston-Salem.  
Ward: West.

### **SITE PLAN**

Proposed Use: Office.  
Square Footage: 17,700 sf.  
Building Height: Two story.  
Parking: Required: 59; proposed: 59  
Bufferyard Requirements: Type II adjoining RS-9 zoning.

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

Existing Structures on Site: Single family residence.

Adjacent Uses:

- North - Single family residences zoned RS-9.
- East - Single family residences zoned RS-9, offices uses zoned LO-S further east.
- South - Mix of office and residences across Country Club Road zoned LO-S and RS-9, respectively.
- West - Carolina Conference Association of Seventh Day Adventist, Inc. zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Well maintained office and residential uses.

Development Pace: Rapid.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is currently developed with a single family residence; proposed development would increase the amount of impervious surface.

Topography: Gradual slope.

Vegetation/habitat: Site is grassy with a few trees.

Constraints: Minor.

## **TRANSPORTATION**

Direct Access to Site: Country Club Road; Old Vineyard Road and Dalewood Drive provide indirect access.

Street Classification: Country Club Road - major thoroughfare; Old Vineyard Road - minor thoroughfare; Dalewood Drive - local road.

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

Country Club Road between Old Vineyard and Silas Creek Parkway = 12,000/16,000

Old Vineyard Road between Country Club Road and Healy Drive = 9,100/16,000

Trip Generation/Existing Zoning: RS-9

$1.53 \times 43,560/9,000 = 3$  lots (only enough frontage for 3)  $\times 9.57$  (SFR trip rate) = 28 trips

Trip Generation/Proposed Zoning: LO-S

$17,700/1000 = 17.7 \times 11.01$  (General Office trip rate) = 195 trips

Sidewalks: On south side of Country Club Road.

Transit: Route 12, along Country Club Road.

## **HISTORY**

Relevant Zoning Cases:

1. W-2329; RS-9 to LO-S (Offices, Miscellaneous; Professional Office; and Medical or Surgical Offices); approved July 6, 1999; northwest side of Country Club Road west of Kilpatrick Street; 2.104 acres; Planning Board and staff recommended denial.
2. W-2302; LO-S and RS-9 to LO-S (Professional Office; Office Miscellaneous; Medical or Surgical Offices); approved April 5, 1999; north side of Country Club Road west of Picadilly Street; 1.67 acres; Planning Board and staff recommended approval.
3. W-2288; LO-S (Professional Office) to Site Plan Amendment; approved January 4, 1999; east corner of Country Club Road and Old Vineyard Road; 1.52 acres; Planning Board and staff recommended denial.



## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* calls for the development of activity nodes at planned locations and the separation and buffering of commercial, office, and industrial uses from residential areas

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

Relevant Development Guide Recommendation(s): This rezoning request lies near the Vineyard Plaza/Country Club Road subarea of the *Country Club/Jonestown Area Plan*. The Preferred Land Use Map on page 24 identifies this site as low density residential.

## **ANALYSIS**

The petition seeks to rezone 1.53 acres from RS-9 to LO-S (Professional Office). Rezoning would allow the site to be developed for office use. Staff does not believe that single family housing can reasonably be expected to develop here, given the existing character of the area and its location along this major thoroughfare. Traffic has previously been identified as a problem in this area. Staff believes that approval of the current rezoning petition would not make a significant difference in the already high levels of traffic movement.

The *Country Club/Jonestown Area Plan* recommends low density residential here, however previously approved rezonings constitute substantial changes in the land use patterns of this rapidly growing neighborhood. Approval of office developments to the south, southeast, and east have drastically changed the character of the area, suggesting a use other than single family homes.

In this context, staff anticipates that other properties east of the current site will likely convert to similar office uses. For this reason staff recommends that an internal stub connection be provided to the adjacent property to the east.

When properly buffered and landscaped, office uses at this location would provide a feasible transition to the homes to the north, and would extend the current pattern of office development along this section of Country Club Road. Office developments along the north side of Country Club Road should establish a firm separation between office uses and single family development to the north.

## **FINDINGS**

1. The petition is consistent with *Vision 2005*.
2. The petition does not meet the land use designation of the *Country Club/Jonestown Area Plan*, but the rezoning of other properties in this area and recent development constitute a substantial change in conditions.

3. The existing pattern and intensity of development in this area strongly suggests a use other than single family at this location.
4. Rezoning would be a logical extension of existing office zoning.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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. Developer shall dedicate forty (40) feet from centerline as new right-of-way in fee simple to the City of Winston-Salem along the entire frontage of the property on Country Club Road.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
  - b. If an above ground storm water management pond is constructed on this property, a typical streetyard landscaping area shall be installed around the entire perimeter of the pond. This landscape area does not have to meet the ten (10) foot width requirement of the UDO.
  - c. Developer shall install a sidewalk along the entire frontage of the property on Country Club Road to the specifications of the Public Works Department of the City of Winston-Salem.
  - d. Developer shall provide a connector drive to adjoining property to the east. The connector drive shall be constructed to the property line on a reasonable grade for the future extension into the adjoining property with an easement recorded to allow cross access between properties.
  - e. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **OTHER REQUIREMENTS**
  - a. One (1) free standing sign shall be permitted on Country Club Road. Said sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of twenty (20) square feet.

[*For information purposes only*: The draft *Legacy* plan indicates that the petitioner's site is in the Suburban Neighborhoods growth management area. The *Legacy* plan calls for compact commercial centers that encourage pedestrian access within the center.]

**PUBLIC HEARING** - November 9, 2000

Suzy Hughes presented the staff report.

FOR:

Scott Miller, 140 Club Oaks Court, Suite B, Winston-Salem, NC 27106

We've met with staff and hopefully tried to meet their conditions. We have concerns over the conditions requiring the stub street.

We'll be happy to answer any questions.

We have not designated any additional bufferyard, but there is a little over 50' between the parking area and the northern property line. There is some grade change and a retaining wall to try to save three of the larger trees on the northwest corner of that area. Supplemental planting will be added to that bufferyard area.

We have not designed a storm water system. It obviously will flow to the north. We don't anticipate having room for an above-ground storm water control system, so we will have to go with an underground system if it is required.

Terry Renegar, 4540 Country Club Road, Winston-Salem, NC 27104

I have attempted to contact all the adjacent property owners and have talked with all but one of them.

The people I talked with were not unsupportive. The church was supportive as are the neighbors to the east.

The two neighbors on Bogart Circle, to the north, had concerns about runoff, storm water retention, noise and buffer. But both of them said they realized the property would eventually develop and they would appreciate our taking their concerns into consideration.

AGAINST:

Don Ashe, 131 Kerrybrook Lane, Winston-Salem, NC 27104

Both of the northern adjacent property owners have signed a petition of opposition to this request. We are opposed to development which will take away from the residential nature of the area. All those downhill of this site are concerned about water drainage, even if their sites are not adjacent to the subject site.

Submitted petition of opposition.

Patti Woodard, 218 Bogart Circle, Winston-Salem, NC 27104

I live east of this site and the runoff probably won't affect me immediately, but I am concerned about the aesthetics of the entire neighborhood.

There is no buffer between the neighborhood and business buildings. When the trees are removed, it impacts our neighborhood. I have great concern about that. The only thing that would satisfy me would be a buffer zone of very tall trees.

There was supposed to be a larger buffer zone with the LO-S zoned property northeast of this site. It is not there.

## **WORK SESSION**

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

1. The connection to the east is not shown on the site plan available today. There are 59 parking spaces required and 59 provided. However, adding the stub would still enable them to meet the required parking.
2. It is likely that the area between this site and the LO-S site northeast of here will develop into business or commercial uses.
3. We ought to take every opportunity to stiffen the buffer requirements between this site and the residential area to the north.
4. The buffer would be more effective at the top of the fill slope, with an additional row of trees to create a more opaque screen.
5. Rules regarding runoff would ensure that runoff from this site would be no worse after development than it was before development.
6. As a point of clarification, all the hardwood trees that line up to the cul-de-sac behind the LO-S development currently under construction to the northeast of this site remain there. The buffer there exceeds the minimum required.

MOTION: Norman Williams moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, King, Rousseau, Snelgrove, Williams

AGAINST: Powell, Schroeder

EXCUSED: None

MOTION: Norman Williams certified that the site plan meets all code requirements and recommended staff conditions. In addition, the bufferyard must be relocated at the top of the fill slope and be a type III bufferyard. The existing trees shown on the northwest corner of the site plan shall be cordoned off prior to construction.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, King, Rousseau, Snelgrove, Williams

AGAINST: Powell, Schroeder

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning