



**DOCKET #:** W2436

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

**EXISTING ZONING:**  
IP

**PETITIONER:**  
VFW Post 6367

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 1.09

**MAP(S):** 630834



December 20, 2000

VFW Post 6367  
c/o Robert Hubbard, Commander  
4129 South Main Street  
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-2436

Dear Commander Hubbard:

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  
Tim Pope, 234 Brook Lane, Winston-Salem, NC 27127  
Loretta Davis, 16 Rhyne Avenue, Winston-Salem, NC 27127  
Duane and Bonnie Lewis, 184 Southview Drive, Winston-Salem, NC 27127

**ACTION REQUEST FORM**

**DATE:** December 20, 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 VFW Post 6367

**SUMMARY OF INFORMATION:**

Zoning map amendment of VFW Post 6367 from IP to LB-S [Club or Lodge; Recreation Services, Indoor; and Restaurant (without drive-through service)]: property is located on the east side of South Main Street across from Avondale Street (Zoning Docket W-2436).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** APPROVED

CITY ORDINANCE - SPECIAL USE

Zoning Petition of VFW Post 6367, Docket W-2436

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 IP to LB-S [Club or Lodge; Recreation Services, Indoor; and Restaurant (without drive-through service)] the zoning classification of the following described property:

Tax Lots 9 and 10, Tax Block 2065

Section 2. This Ordinance is adopted after approval of the site plan entitled Veterans of Foreign Wars of the United States, Inc. and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to VFW Post 6367.

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 Veterans of Foreign Wars of the United States, Inc. 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 VFW Post 6367, (Zoning Docket W-2436). 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 [Club or Lodge; Recreation Services, Indoor; and Restaurant (without drive-through service)]", 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:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
  1. A variance must be approved by the City Zoning Board of Adjustment if UDO requirements are not met.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  1. Developer shall either dedicate 30 feet from centerline on Main Street or demonstrate that 30 feet from centerline currently exists.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

## ZONING STAFF REPORT

**DOCKET #** W-2436  
**STAFF:** Gary Roberts

Petitioner(s): VFW Post 6367  
Ownership: Same

### **REQUEST**

From: IP Institutional and Public District  
To: LB-S Limited Business District [Club or Lodge; Recreation Services, Indoor; and Restaurant (without drive-through service)]

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: East side of South Main Street across from Avondale Street.  
Jurisdiction: City of Winston-Salem.  
Ward: Southeast.

### **SITE PLAN**

Proposed Use: Club or Lodge; Recreation Services, Indoor; and Restaurant (without drive-through service).  
Square Footage: 5,738 square feet.  
Building Height: One story  
Parking: Required: 44; proposed: (Existing, 47)  
Bufferyard Requirements: Existing building and exit drive location preclude the installation of the full width (15') type II buffer.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: Two structures connected by a covered patio.

Adjacent Uses:

- North - Immediately north - undeveloped, zoned RS-9; Further north is Jordan Furniture Company, zoned LI.
- East - Residential property zoned RS-9.
- South - Single family homes zoned RS-9.
- West - Single family homes zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Residential with some mixture, modest condition.  
Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: None.  
Topography: Moderate slope to the rear of site.  
Vegetation/habitat: Some existing trees and shrubs.  
Constraints: Existing exit driveway encroachment onto adjacent lot along northern border.

## **TRANSPORTATION**

Direct Access to Site: Main Street.  
Street Classification: Minor thoroughfare.  
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Main Street from Garland Street to Konnoak Street - 5,600/13,000  
Trip Generation/Existing Zoning: IP  
 $5,290/1,000 = 5.29 \times 79.26$  (day care trip rate [highest rate allowed in IP] ) = 419 trips  
Trip Generation/Proposed Zoning: LB-S  
 $5,290/1,000 = 5.29 \times 130.34$  (high turnover restaurant trip rate) = 689 trips

## **HISTORY**

Relevant Zoning Cases:

Note: The subject property was reclassified from R-4 to IP during the UDO map conversion. Clubs and lodges were a permitted use in the previous R-4 district.

1. W-700; R-4 to B-3; denied March 19, 1979; southwest corner of S. Main Street and Southview Drive; 0.33 acre; Planning Board and staff recommended denial.
2. W-2116; RS-9 to GB-S [Residential Building, Multifamily; Restaurant (without drive-through service); and Storage Services, Retail]; approved January 6, 1997; east side of Main Street across from Davie Avenue; 1.06 acres; Planning Board and staff recommended approval with conditions.
3. W-2041; RS-9 to LB; approved April 1, 1996; west of South Main Street near the intersection with Konnoak Drive; 0.54 acre; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban. The Commercial Land Use chapter of *Vision 2005* addresses issues related to commercial development.

Relevant Comprehensive Plan Recommendation(s): The recommendations in *Vision 2005* include locating new commercial in shopping centers rather than in a linear fashion and encouraging commercial property owners to address neighborhood concerns during the site planning process.

Area Plan/Development Guide: The site does not lie within the boundaries of a development guide or an area plan.

## **ANALYSIS**

The proposed rezoning from IP to LB-S would allow the establishment of an independent club, lodge, restaurant and/or indoor recreation service. The site is the current location of the VFW Post 6367. No building or parking additions are proposed at this time. At this time, a third party is interested in operating a club within the 1,466 sq. ft. section in the rear of the site.

While the actual activities allowed under this request may not differ substantially from those of the VFW, we see this as an intensification of one of the more potentially impacting activities and therefore cannot recommend approval of the request. The potential impact on the surrounding residential properties was a key consideration in this recommendation along with setting a precedent for strip commercial zoning along this segment of Main Street.

## **FINDINGS**

1. *Vision 2005* recommends locating new commercial uses in shopping centers rather than in a linear fashion.
2. The site does not lie within the boundaries of a development guide or an area plan.
3. Requested use is potentially detrimental to the surrounding residential properties and could set a precedent for strip commercial zoning.

## **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 ANY PERMITS**
  - a. Petitioner must secure waivers for bufferyard requirements wherever necessary on the site.



- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  1. Developer shall either dedicate 30 feet from centerline on Main Street or demonstrate that 30 feet from centerline currently exists.
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

[For information purposes only: The draft *Legacy* Comprehensive Plan. The *Legacy* plan promotes compact, walkable commercial areas with a mix of uses.]

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Robert Hubbard, 2645 Patriot Street, Winston-Salem, NC 27127

I'm the commander of this post. You know our veterans are dying off faster than they join.

We've had beer and alcohol here for years. We only want to allow this lady to do the same thing. It would simply mean she could have more people.

In this area are many establishments that are allowed to sell beer.

We're not asking for anything we haven't been doing for the last 27 years. We just want to rent the building out so we can have some income instead of it all going out.

Mr. Tim Pope, who lives next door and from whom we would need an easement.

This will be a private club.

According to our bylaws, we can't have anyone except members here.

Tim Pope, 234 Brook Lane, Winston-Salem, NC 27127

This property has been tied up for years with the previous owner.

I own the vacant property between here and Jordan Furniture. I don't have any objections to this.

I don't see further development here as residential. I do see more of a business here that will benefit the community.

Loretta Davis, 16 Rhyne Avenue, Winston-Salem, NC 27127

I've done a lot of volunteer work for the VFW in the last five years. All the neighbors feel welcome here. We're always doing things for people in the area.

This gives disabled people a place to be useful.

I can do the work because all our members are getting older and numbers are dropping.

The members are not able to do a lot of the work we've been doing.

I'll just be doing the same things, but it'll be in my name.

We'll have the same rules.

This brings families.

AGAINST:

Duane and Bonnie Lewis, 184 Southview Drive, Winston-Salem, NC 27127

Duane Lewis - My wife and I have lived there since 1957. Our property joins the east side line of the VFW property. It's only about 400 feet from our house to a place where they have a playground. We've called the police several times. There's a lot of noise there at night. We just don't think this is the proper thing to do right now.

Bonnie Lewis - I've called police at least half a dozen times because of noise. Mr. Burton stated that the facility has been rented out to a club from Wake Forest University who were having a wild party. We don't need any more of this.

### **WORK SESSION**

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

1. This will be a for-profit organization.
2. John Bost. I think the VFW regulations have kept the activities under control. However, I feel this request would open it up. I am also concerned that children would be exposed to uses such as those proposed.

MOTION: John Bost moved denial of the zoning map amendment.

SECOND: James Rousseau.

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: John Bost certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: James Rousseau.

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning