ACTION REQUEST FORM

DATE: January 25, 2023
TO: The Honorable Mayor and City Council
FROM: Chris Murphy, AICP/CZO, Director of Planning and Development Services

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning petition of Konstandinos Rizos and Efstratios Ferentinos

SUMMARY OF INFORMATION:

Public hearing and consideration of zoning petition of Konstandinos Rizos and Efstratios Ferentinos from LB-S to HB-S (Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); and Offices; property is located on the east side of Jonestown Road between Mar-Don Drive and Frandale Drive (Zoning Docket W-3561)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

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

BE IT ORDAINED by the City Council 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 to HB-S (Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); and Offices) the zoning classification of the following described property:

PIN 6804-59-4138

Section 2. This Ordinance is adopted after approval of the site plan entitled City BBQ and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to Konstandinos Rizos and Efstratios Ferentinos.

Section 3. The City Council 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 City BBQ. 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 City Council
of the City of Winston-Salem

The City Council 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 Konstandinos Rizos and Efstratios Ferentinos, (Zoning Docket W-3561). 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 HB-S (Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); and Offices approved by the Winston-Salem City Council the _____ day of ________________________, 20____" and signed, provided the property is developed in accordance with requirements of the HB-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 ISSUANCE OF ANY PERMITS:**
  a. Developer shall obtain a driveway permit from NCDOT as required.

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
  a. All required improvements of the NCDOT driveway permit shall be completed as required.
  b. Developer shall dedicate additional right-of-way along Jonestown Road per WSDOT requirements.
  c. Additional sidewalk along Jonestown Road shall be constructed to City of Winston-Salem standards.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>
| **Proposal** | The petitioner is requesting to amend the Official Zoning Map for the subject property from LB-S (Limited Business - Special Use) to HB-S (Highway Business-Special Use). The petitioner is requesting the following uses:  
- Restaurant (With Drive-Through Service)  
- Restaurant (Without Drive-Through Service)  
- Offices |
| **Neighborhood Contact/Meeting** | A summary of the petitioner’s neighborhood outreach is attached. |
| **Zoning District Purpose Statement** | The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3, and 4 |
| **Rezoning Consideration from Section 3.2.19 A 16** | Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
Yes, the site is located within GMA 3 along a major thoroughfare. |

<table>
<thead>
<tr>
<th><strong>GENERAL SITE INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
</tr>
<tr>
<td><strong>Ward(s)</strong></td>
</tr>
<tr>
<td><strong>Ward(s) July 2023</strong></td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
</tr>
</tbody>
</table>
Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LB-S and RS9</td>
<td>Office building and single-family homes</td>
</tr>
<tr>
<td>East</td>
<td>NO-S</td>
<td>Office building</td>
</tr>
<tr>
<td>South</td>
<td>HB-S</td>
<td>Shopping center</td>
</tr>
<tr>
<td>West</td>
<td>LB-S</td>
<td>Multi-tenant retail</td>
</tr>
</tbody>
</table>

Rezoning Consideration from Section 3.2.19 A 16

<table>
<thead>
<tr>
<th></th>
<th>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The list of proposed uses is generally compatible with the adjacent commercial uses. The restaurant (with drive-through service) use is less compatible with the adjacent RS9-zoned properties.</td>
<td></td>
</tr>
</tbody>
</table>

Physical Characteristics

The site was previously developed and consists of impervious surfaces (asphalt parking area and an existing building) with some lawn areas and landscaping. A six-foot opaque wooden fence exists between the site and the adjacent residential property to the northeast.

The site has a gentle slope downward from Jonestown Road toward the southeast. There is a thin strip of trees between the subject property and the existing office building to the southeast. This area will be retained and used as part of the required Type II Bufferyard. There is also some established streetyard landscaping along the Jonestown Road and Mar-Don Drive frontages.

Proximity to Water and Sewer

The subject property has access to public water and sewer along Jonestown Road.

Stormwater/Drainage

No known stormwater or drainage issues exist on-site.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

The subject property includes an existing vacant restaurant. The property has generally favorable topography and is not located within a water supply watershed or regulated floodplain.

Relevant Zoning Histories

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2899</td>
<td>RS9 to NO-S</td>
<td>Approved 2/5/2007</td>
<td>Adjacent property to the southeast</td>
<td>.45</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-2568</td>
<td>RS9 and LB-S to LB-S</td>
<td>Approved 9/3/2002</td>
<td>Adjacent property to north</td>
<td>1.16</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2294</td>
<td>RS9 and LB-S to LB-S</td>
<td>Withdrawn 3/1/1999</td>
<td>Adjacent property to north</td>
<td>1.16</td>
<td>Denial</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------</td>
<td>--------------------</td>
<td>---------------------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>W-2200</td>
<td>LB-S to LB-S</td>
<td>Denied 1/5/1998</td>
<td>Adjacent property to north</td>
<td>1.16</td>
<td>Denial</td>
</tr>
</tbody>
</table>

**SITE ACCESS AND TRANSPORTATION INFORMATION**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>Average Daily Trip Count</th>
<th>Capacity at Level of Service D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jonestown Road</td>
<td>Major Thoroughfare</td>
<td>127 feet</td>
<td>20,000</td>
<td>31,700</td>
</tr>
<tr>
<td>Mar-Don Drive</td>
<td>Local Street</td>
<td>275 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)** The site will continue to be served by the existing access points from Jonestown Road and Mar-Don Drive.

**Trip Generation - Existing/Proposed**

**Existing Zoning – LB-S:**

Existing building is 4,046 square feet.

\[
\frac{4,046}{1,000} = 4.05 \times 127.15 \text{ (high-turnover restaurant trip rate)}
\]

\[= 515 \text{ trips per day}\]

**Proposed Zoning – HB-S:**

Proposed building is 4,157 square feet.

\[
\frac{4,157}{1,000} = 4.16 \times 496.12 \text{ (drive-through restaurant trip rate)}
\]

\[= 2,064 \text{ trips per day}\]

**Sidewalks**

There are existing sidewalks along both sides of Jonestown Road. The proposed site plan will extend the existing sidewalk to the intersection with Mar-Don Drive.

**Transit**

WSTA Route 81 serves Jonestown Road approximately 150 feet southwest of the site.

**Transportation Impact Analysis (TIA)**

A TIA was not required for this site.

**Analysis of Site Access and Transportation Information**

Jonestown Road is a five-lane facility with ample capacity. The site has frontage along a major thoroughfare and local collector street. The plan proposes to use the existing access points from these roadways. The petitioner has agreed to dedicate right-of-way and complete a missing
sidewalk segment to connect existing sidewalk on the adjacent property to the north and the shopping center across Mar-Don Drive.

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,157</td>
<td>Centrally located</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>42</td>
<td>50</td>
<td>90-degree head-in and 60-degree angled</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60 feet</td>
<td>One-Story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85 percent</td>
<td>70.5 percent</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Section 4.6.9: Highway Business District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Section 3.2.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) <em>Legacy 2030</em> policies: Yes</td>
</tr>
<tr>
<td>(B) <em>Environmental Ord.</em> N/A</td>
</tr>
<tr>
<td>(C) Subdivision Regulations N/A</td>
</tr>
</tbody>
</table>

**Analysis of Site Plan Compliance with UDO Requirements**

The request would reuse a vacant restaurant establishment. The total proposed building square footage is 111 square feet greater than the existing building. The existing parking lot exceeds the minimum parking spaces required and the lot will be reduced by 8 spaces to provide a drive aisle adjacent to the proposed drive-thru window.

The petitioner will maintain the existing six-foot opaque fence to buffer against the RS9 properties to the northeast.

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th><em>Legacy 2030 Growth Management Area</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Growth Management Area 3 – Suburban Neighborhoods</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relevant <em>Legacy 2030</em> Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Encourage reuse of vacant and underutilized commercial and industrial sites.</td>
</tr>
<tr>
<td>• Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.</td>
</tr>
<tr>
<td>• Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relevant Area Plan(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>West Suburban Area Plan Update (2018)</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area Plan Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The proposed land use map recommends Commercial land use at this location.</td>
</tr>
</tbody>
</table>
- Commercial areas should be compact with limited access to major thoroughfares and should not promote strip development. The reuse of vacant buildings and the redevelopment of existing undeveloped and underutilized sites is recommended, where possible.

<table>
<thead>
<tr>
<th>Site Located Along Growth Corridor?</th>
<th>The subject property is not located along a growth corridor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Located within Activity Center?</td>
<td>The subject property is not located within an activity center.</td>
</tr>
<tr>
<td>Comprehensive Transportation Plan Information</td>
<td>The 2045 Comprehensive Transportation Plan (CTP) recommends Jonestown Road be converted to a four-lane facility with raised median, wide outside lanes and sidewalks.</td>
</tr>
<tr>
<td>Addressing</td>
<td>The site will continue to be addressed 299 Jonestown Road.</td>
</tr>
</tbody>
</table>
| Rezoning Consideration from Section 3.2.19 A 16 | **Have changing conditions substantially affected the area in the petition?**

No.

**Is the requested action in conformance with Legacy 2030?**

Yes.

| Analysis of Conformity to Plans and Planning Issues | The request is to rezone the approximately 1.28-acre property from LB-S to HB-S to add the uses restaurant (with drive-through) and offices. The proposed site plan will expand the existing restaurant building to accommodate a new drive thru window.

The subject property is adjacent to other LB-S and HB-S districts and commercial uses. Single-family homes are adjacent to the property for a short distance along its northern boundary. The proposed site plan shows the required buffering against the abutting single-family zoned property. The request does not propose any new access points. The petitioner is providing additional sidewalk along Jonestown Road to provide greater pedestrian connectivity.

The West Suburban Area Plan Update recommends commercial use for the subject property. Legacy 2030 recommends reutilizing vacant and underutilized sites with appropriate development in context to the area. The petitioner is requesting to add the additional uses that will facilitate these goals. Staff recommends approval of this request. |

<table>
<thead>
<tr>
<th>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positive Aspects of Proposal</strong></td>
<td><strong>Negative Aspects of Proposal</strong></td>
</tr>
<tr>
<td>The request is generally consistent with the goals of Legacy 2030.</td>
<td>This request would extend high-intensity commercial zoning farther north along Jonestown Road.</td>
</tr>
</tbody>
</table>
The West Suburban Area Plan Update proposed land use map recommends the site for commercial uses.

The proposal will increase traffic along Jonestown Road.

The proposal will reuse an existing vacant building for a use compatible and complementary with the surrounding development pattern.

<table>
<thead>
<tr>
<th>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</td>
</tr>
</tbody>
</table>

- **PRIOR TO ISSUANCE OF ANY PERMITS:**  
  a. Developer shall obtain a driveway permit from NCDOT as required.

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**  
  a. All required improvements of the NCDOT driveway permit shall be completed as required.
  b. Developer shall dedicate additional right-of-way along Jonestown Road per WSDOT requirements.
  c. Additional sidewalk along Jonestown Road shall be constructed to City of Winston-Salem standards.

**STAFF RECOMMENDATION:** Approval

**NOTE:** These are staff comments only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
Bryan Wilson presented the staff report.

Mr. Bryan stated that a well-written letter was sent to the Planning Board and wanted to know staff’s analysis of the stated concerns. Bryan Wilson responded that staff believes the current request is simply a reutilization of an existing site. Chris Murphy also noted that the plan mentioned in the letter was from 38 years ago. Before OSO Eats existed here, the site was named to a Boston Market. This proposal is only adding one use, Restaurant without drive-through, and a full-scale redevelopment is not being proposed.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None
Chris Murphy, AICP/CZO
Director of Planning and Development Services
Property included in zoning request.

500' mail notification radius. Property not in zoning request.

**MAP(S):**

- Nearest BLDG: 60' northeast
- Acres: 1.28
- GMA: 3
- STAFF: McBride
- SCALE: 1" represents 300'

**DOCKET #:** W-3561

**PROPOSED ZONING:** HB-S

**EXISTING ZONING:** LB-S

**PETITIONER:** Konstandinos Rizos and Efstratios Feretinos (City BBQ 299 Jonestown Road)
Area Plan Recommendations

West Suburban Area Plan Update, 2018
(Proposed land uses shown are generalized. See area plan for specific recommendations.)

Proposed Land Use
- Single-Family Residential (0-8 Du/Ac)
- Low-Density Attached Residential (0-8 DU/AC)
- Intermediate-Density Residential (8.1-18 DU/AC)
- High-Density Residential (over 18 DU/AC)
- Office
- Office/Low-Intensity Commercial
- Commercial
- Institutional
- Mixed-Use Development
- Park
- Special Land Use Condition Areas
- Utilities

Proposed Growth Corridor
- Urban/Suburban Form - Single-Family Residential
- Urban Form - Commercial/Office/Multifamily
- Suburban Form - Commercial/Office/Multifamily

Case W-3561
The comments listed below reflect remaining issues that must be addressed before your request can proceed to the Planning Board. All outstanding issues included in this list must be satisfactorily addressed on the revised site plan and re-submitted back to Planning staff no later than 5:00pm on the Thursday two weeks before (14 days prior to) the Planning Board meeting.

Open Issues: 14

Engineering

General Issues

17. General comments

City of Winston-Salem
Matthew Gantt
336-727-8000
matthewg@cityofws.org
1/2/22 11:12 AM
01.03) Rezoning-
Special Use District - 2

1. Provide an adequate right-of-way for the sidewalk to be installed along Jonestown Road.

2. No driveway permit is required if the existing access to Jonestown Road is not changed.
20. Grading/Erosion Control Permit and Erosion Control Plan needed

If the proposed project creates more than 10,000 sq. ft. of land disturbance, a Grading/Erosion Control Permit will be required prior to the start of work. In order to obtain this permit you must submit a professionally designed Erosion Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval. Please submit the plan through the electronic plan review portal as application type 04.02 Grading/Erosion Control Permit at the following link: https://winston-salem.idtplans.com/secure/

19. Sketch Plans and Site Plans

Indicate locations of fire hydrants (existing and proposed) to demonstrate compliance with fire code requirements and City development standards.

For those buildings on this site that are equipped with sprinkler or standpipe systems, indicate the location of each FDC, ensuring no FDC is more than 100 feet from a fire hydrant.

Ensure fire apparatus access roads are provided, designed, built and maintained in compliance with fire code requirements. These requirements include but are not limited to the following items:

- Design, construction and maintenance of fire apparatus access roads to carry an imposed load of not less than 75,000 pounds;
- Clear width requirements of not less than 20 feet for two-way traffic;
- Clear height requirements of not less than 13 feet, 6 inches;
- Design, construction and maintenance of approved turnaround designs for fire apparatus access roads when the dead-end length of the required access road is more than 150 feet.
- Gates may not obstruct fire apparatus access roads unless approved by the Winston-Salem Fire Department; approval requires compliance with all applicable fire code requirements.

As part of your construction plan submittal, include the calculations for needed fire flow for this project and indicate the approved method of calculation in use. Buildings that are equipped with sprinkler systems throughout are exempt from this requirement. Refer to Section 507 of the 2018 NC Fire Code for further information. Approved calculation methods include the following options:

- Appendix B of the 2018 NC Fire Code; or

Emergency responder radio coverage shall meet the requirements of Section 510 of the 2018 NC Fire Code for this project. Consider how these requirements, including any systems necessary to bring radio coverage into compliance with this section, may impact your plans.
### 23. Addressing & Street Naming

<table>
<thead>
<tr>
<th>Forsyth County Government</th>
<th>Use the address 299 Jonestown Rd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gloria Alford</td>
<td><a href="mailto:alfordgd@forsyth.cc">alfordgd@forsyth.cc</a></td>
</tr>
<tr>
<td>3367032337</td>
<td>12/19/22 3:55 PM</td>
</tr>
<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
</tbody>
</table>

### General Issues

#### 27. NCDOT Comments

<table>
<thead>
<tr>
<th>NCDOT Division 9</th>
<th>NCDOT Driveway permit required. Randy Ogburn is the primary point of contact – <a href="mailto:rogburn@ncdot.gov">rogburn@ncdot.gov</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Kildea</td>
<td>We prefer that the driveway permit be submitted on our online portal, and shall consist of the permit application (form TEB-65-04) and a detailed site plan showing the access points. Review of the permit package will begin after receiving the application, site plan, and Construction Inspection Fee. The Construction Inspection Fee is payable by check, and is $50 per driveway connection on an NCDOT maintained road.</td>
</tr>
<tr>
<td><a href="mailto:vrkildea@ncdot.gov">vrkildea@ncdot.gov</a></td>
<td>A 16.6 3-party encroachment agreement would be required for any utility ties (water and sewer), and sidewalk where applicable.</td>
</tr>
<tr>
<td>336-747-7900</td>
<td>All encroachment agreements should be submitted through the online portal. Thomas Scott is the primary point of contact – <a href="mailto:ntscott@ncdot.gov">ntscott@ncdot.gov</a></td>
</tr>
</tbody>
</table>

### Planning

#### General Issues

#### 13. COUNCIL MEMBER CONTACT

<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>Please ensure that you have contacted the appropriate Council Member and/or the Community Assistance Liaison for their office prior to the Planning Board Hearing. Be advised that Council Members may want to participate in any community outreach efforts. Information for each Council Member can be found on their website here:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marc Allred</td>
<td><a href="https://www.cityofws.org/564/City-Council">https://www.cityofws.org/564/City-Council</a></td>
</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
<td>336-727-8000</td>
</tr>
<tr>
<td>11/29/22 9:51 AM</td>
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<table>
<thead>
<tr>
<th>CESO INC (Columbus, OH)</th>
<th>Noted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Horton</td>
<td><a href="mailto:joseph.horton@cesoinc.com">joseph.horton@cesoinc.com</a></td>
</tr>
<tr>
<td>614-942-3006</td>
<td>12/6/22 4:07 PM</td>
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### Historic Resources

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<tr>
<th>City of Winston-Salem</th>
<th>No comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Bratland</td>
<td><a href="mailto:heatherb@cityofws.org">heatherb@cityofws.org</a></td>
</tr>
<tr>
<td>336-727-8000</td>
<td>12/8/22 1:41 PM</td>
</tr>
<tr>
<td>01.03) Rezoning-Special Use District - 2</td>
<td></td>
</tr>
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</table>
24. Environmental Features/Greenways

City of Winston-Salem  No comments.
Elizabeth Colyer
336-747-7427
elizabethrc@cityofws.org
12/13/22 3:47 PM
01.03) Rezoning-Special
Use District - 2

28. CAC

City of Winston-Salem  No comment.
Amy Crum
336-747-7051
amyc@cityofws.org
12/20/22 2:43 PM
01.03) Rezoning-Special Use District - 2

29. Community Outreach Deadline

City of Winston-Salem  Please ensure that you have submitted the required neighborhood outreach summary by the deadline as required in UDO ClearCode and referenced in the Planning Board Calendar of Significant Dates located here:
Bryan Wilson
336-747-7042
bryandw@cityofws.org
12/21/22 12:29 PM
01.03) Rezoning-Special Use District - 2

Stormwater

General Issues

16. Exempt from Stormwater Management Permitting

City of Winston-Salem  The plan does not state what the existing impervious area is and what any changes to existing impervious areas will be. However, when I compare this plan to the existing aerial photography I see little or no changes. The only thing I see is adding of a drive thru. Therefore any changes in impervious area will be insignificant and well below the thresholds that currently require a permit to be issued. Therefore, no comment in terms of stormwater management permitting.
Joe Fogarty
336-747-6961
josephf@cityofws.org
12/7/22 10:45 AM
01.03) Rezoning-Special Use District - 2

Utilities

General Issues

22. General Comments

City of Winston-Salem  Any existing connections not intended for reuse must be terminated at the main. All water connections will require a Reduced Pressure Assembly Backflow preventer matching the meter size. No Double Check Assemblies allowed. These must be tested annually. This property has a history of non-compliance. There is an existing 1,200 Gallon Grease Interceptor at this location. Show GI location on plan. It must be pumped out and it must be inspected by Michael Gearran at 336-397-7620. This must be done prior to plan approval. Any new meter purchase will require the payment of system development fees.
Chris Jones
336-747-7499
charlesj@cityofws.org
12/9/22 5:56 AM
01.03) Rezoning-Special Use District - 2
### General Issues

#### 18. General Comments

<table>
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<tr>
<td>David Avalos</td>
<td>336-727-8000</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:davida@cityofws.org">davida@cityofws.org</a></td>
<td></td>
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- Dedicate right of way to include the sidewalk
- Refer to UDO for parking dimensions.

[Ver. 2] [Edited By Bryan Wilson]

### Zoning

#### General Issues

#### 25. Zoning

<table>
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<tr>
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<th>12/21/22 8:25 AM</th>
<th>Special Use District - 2</th>
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</thead>
<tbody>
<tr>
<td>Amy McBride</td>
<td>336-727-8000</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:amym@cityofws.org">amym@cityofws.org</a></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

No comments at this time

[Ver. 2] [Edited By Amy McBride]
Good Morning Amy,

Please see the paragraph below for the summary of our Community Outreach Findings.

On December 28th, we sent out the attached mailer notifying the surrounding property owners of the proposed rezoning (Eleven Property Owners) and asking them to contact us by January 4th, 2023 if they had any questions or concerns to express. We also notified our respective City Council Member and Community Liaison. Council Member Mundy expressed support for the rezoning and project (Attached). Of the eleven property owner we engaged with, we only heard back from one individual who had a list of questions and concerns. The Homeowner indicated concerns of the privacy fence, food disposal, noise, drainage routing, and the proposed business hours (attached email). We will respond to the resident’s concerns to the best of our ability.

Respectfully,

Joe Horton, EI
Senior Project Coordinator

CSCO
2800 Corporate Exchange Drive, Suite 400
Columbus, Ohio 43231-7628

MOBILE: 614.893.6708
OFFICE: 614.942.3568
joseph.horton@cesoinc.com
www.cesoinc.com
December 28, 2022

RE: Rezoning Petition Filed by CESO Inc. to rezone approximately 1.28 acres located at 299 Jonestown Rd. Winston-Salem, NC 27104 to allow for the addition of a drive-thru.

Dear Resident:

We are assisting Trackwest Partners, LLC with a Rezoning Petition filed with the City of Winston-Salem/Forsyth County Planning and Development Services Department seeking to rezone an approximately 1.28-acre site (the “site”) located at 299 Jonestown Rd. Winston-Salem, NC 27104. The purpose of the rezoning is to permit the addition of a drive-thru.

In accordance with the requirements of the City of Winston-Salem/Forsyth County, the Petitioner is allowing comments from adjacent property owners to voice their concerns. The City of Winston-Salem/Forsyth County Planning and Development Services Department’s records indicate that you are an owner of property that adjoins, is located across the street from, or is near the Site.

Accordingly, on behalf of the Petitioner, we give you notice that any comments regarding the rezoning should be submitted via email to Jeffrey Lonchor at lonchor@cesoinc.com no later than Wednesday, January 4th, 2023.

The petitioner’s representatives look forward to hearing any comments you may have or answering any questions.

Respectfully,

Jeffrey Lonchor, P.E.
Project Manager, CESO
From: Patrick Ranson <Patrick.Ranson@concentricusa.com>
Sent: Tuesday, January 10, 2023 2:37 PM
To: Amy Mcbride
Subject: [EXTERNAL] to Share with Planning Board: Please reject HB-S zoning for 299 Jonestown Road in Winston Salem

*** CAUTION! EXTERNAL SENDER *** STOP. EVALUATE. VERIFY. Were you expecting this email? Does the content make sense? Can you verify the sender? If the email is suspicious: Do not click links or open attachments. Click the Report Message button in Outlook to notify Information Systems.

Dear Planning Board members,
Please reject the HB-S zoning request for 299 Jonestown Road in Winston Salem.

Commercial zoning is ruining the adjacent neighborhoods.
At one time, there was a 1985 plan that was designed to mitigate commercial development in the area. However, that plan was not administered in good faith, and businesses never intended for LB-S have crept in.
A new “plan” was put in place in 2018, which appears to fully abandon residential neighborhoods in the area.

As I understand it, the original intent of the 1985 plan was to mitigate the commercial development of the area, and hold some regard for the residents of the adjoining neighborhoods.
That plan was obviously abandoned, as were the residents of these neighborhoods.
Had the planning board and the city council adhered to the original plan, the ugly business district could have been prevented.

I agree the area has seen increased commercial growth. This should never have happened, if the planning board had administered the 1985 area plan as intended.
I hold the planning board and city council responsible for the congested, dangerous eyesore that Jonestown Road has become.
To allow it to deteriorate into this commercial corridor, and then say “oh well” is irresponsible.
Under this philosophy, no commercial development, anywhere, would ever be slowed or stopped.
“Residents be damned” seems to be the policy now.

Once a property is zoned HB-S, what other types of businesses are permitted? It appears that anything goes once that designation is made.
Forgive me for asking, but if we are not going to try and direct growth in a controlled manner, what is the actual mission of the planning board?

Per below, the planning board has already failed at complying with regulations in zoning, because there is a strip center in the middle of a Limited Business zoning area on the North side of Frandale at 125 Jonestown Road.
From the City website:
The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. **However, the district is not**
intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3, and 4.

The whole point of LB-S is that it provides a buffer between residential and commercial zoning areas. If you take away the LB-S and designate HB-S, then you are removing all buffering protection for residents.

From the City website:
The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences.

Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs 2, 3, 4, and 5

The back of the property in question shares borders with residential housing. I wonder if any of the planning board members or city council members would want a drive-thru next door to their homes?
With the headlights of the cars beaming into their houses at night? And the speaker repeating orders back to the customers?
Take-out functions can be satisfied with curbside pickup, just as other restaurants in the area provide. No rezoning is needed.

Jonestown Road is a traffic nightmare between 4 and 6 pm, with gridlock at Southwin Drive. Traffic traveling South on Jonestown can back up all the way to Country Club Road. Why would we encourage even more commercialization, with less restrictions?

I urge the planning board and the city council to deny this zoning request.

Patrick Ranson
Glennette Ranson
4709 Southwin Drive
Winston Salem, NC 27104

Pat Ranson
CELL 336.534.1465
Zoning Case No.: W-3561

Property Address: 299 Jonestown Road

Parcel Identification Number(s): 6840-59-4138

Hereinafter referred to as the "Property"

1. I hereby certify that authority has been given to me, by all owners of the Property, to consent to the conditions of the special use district approval.

2. I hereby consent to the following conditions, as required by North Carolina General Statute 160D-703:

   • PRIOR TO ISSUANCE OF ANY PERMITS:
     a. Developer shall obtain a driveway permit from NCDOT as required.

   • PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:
     a. All required improvements of the NCDOT driveway permit shall be completed as required.
     b. Developer shall dedicate additional right-of-way along Jonestown Road per WSDOT requirements.
     c. Additional sidewalk along Jonestown Road shall be constructed to City of Winston-Salem standards.

3. I acknowledge that this written consent is a condition precedent to placement of the Property into a special use district.

This the 19 day of January, 2023.

By: [Signature]

Name: [Name]
Title: [Title]
Date: 1/19/23
STATE OF NORTH CAROLINA
COUNTY OF ________________

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ____________________________

Notary Public: ________________________
Printed Name: Robert Eisenman
Commission Expires: 10/25/2026