

**DOCKET #:** W2880

**PROPOSED ZONING:**  
 HB-S (adding use "Shopping Center")

**EXISTING ZONING:**  
 HB-S (Multiple Business Uses)

**PETITIONER:**  
 Donnie Mason for property owned by US Income Fund IX Ltd. and Jonestown Retail Investment

**SCALE:** 1" represents 400'

**STAFF:** King

**GMA:** 3

**ACRE(S):** 8.91

**MAP(S):** 600846



August 23, 2006

Donnie Mason  
7660 Riverbrook Trail  
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-2880

Dear Mr. Mason:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

**ACTION REQUEST FORM**

**DATE:** August 23, 2006  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment from HB-S [ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts & Crafts Studio; Restaurant (with drive-through services); Restaurant (without drive-through services); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; and Building Contractors, Heavy] to HB-S [ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts & Crafts Studio; Restaurant (with drive-through services); Restaurant (without drive-through services); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; and Shopping Center]: property is located on the northeast quadrant of US 421 and Jonestown Road (Zoning Docket W-2880).

**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

Zoning Petition of Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment, Docket W-2880

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 HB-S [ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts & Crafts Studio; Restaurant (with drive-through services); Restaurant (without drive-through services); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; and Building Contractors, Heavy] to HB-S [ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts & Crafts Studio; Restaurant (with drive-through services); Restaurant (without drive-through services); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; and Shopping Center] the zoning classification of the following described property:

Tax Block 3905, Tax Lot 601, 602A, 602B, and 602G

Section 2. This Ordinance is adopted after approval of the site plan entitled Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment/Centre Stage at Jonestown and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment.

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 Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment/Centre Stage at Jonestown. 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 Donnie Mason for property owned by US Income Fund IX, Ltd. and Jonestown Retail Investment, (Zoning Docket W-2880). 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 [ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts & Crafts Studio; Restaurant (with drive-through services); Restaurant (without drive-through services); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; and Shopping Center], 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 THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Developer shall obtain a driveway permit from NCDOT. Any requirements of the NCDOT driveway permit shall be completed.

**CITY-COUNTY PLANNING BOARD STAFF  
STAFF REPORT FOR: Docket # W-2880  
August 10, 2006**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-2880
<b>Staff</b>	Aaron King
<b>Petitioner(s)</b>	Donnie Mason
<b>Owner(s)</b>	US Income Fund IX, Ltd. and Jonestown Retail Investment
<b>Subject Property</b>	Tax Lots 601, 602A, 602B and 602G, Tax Block 3905
<b>Type of Request</b>	Special Use Rezoning request to add the use "Shopping Center" to the list of previously approved uses for an HB-S site.
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> HB-S (Highway Business – Special Use Zoning) <b>to</b> HB-S (Highway Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• (ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Arts &amp; Crafts Studio; Restaurant (w/ drive-through); Restaurant (w/o drive-through); Medical and Surgical Offices; Office, Miscellaneous; Professional Offices; Banking and Financial Services; Signs, Off-Premise; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; and <u>Shopping Center</u>)</li> </ul>
<b>Zoning District Purpose Statement</b>	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 Growth Management Areas 2, 3, and 4.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes, the site is currently developed as a shopping center.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Northeast quadrant of US 421 and Jonestown Road
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	Southwest

<b>Site Acreage</b>	Approximately ± 8.91 acres			
<b>Current Land Use</b>	Shopping center			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	HB-S & LB-S	Bank & Restaurant	
	East	RS-9	Undeveloped land	
	South	NA	US 421	
	West	HB & HB-S	Various commercial uses	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	Yes, the use "Shopping Center" would be compatible with the existing commercial uses.			
<b>Physical Characteristics</b>	The site is currently developed as a shopping center.			
<b>Proximity to Water and Sewer</b>	The site is served by public water and public sanitary sewer.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The subject property is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site is currently developed as a shopping center and this request proposes no new changes to the site.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Jonestown Road	Major Thoroughfare	+/- 444 feet	13,000	23,900
Mar-Don Drive	Local Road	+/- 162 feet	NA	NA
<b>Proposed Access Point(s)</b>	The site will retain two access points onto Jonestown Road and two onto Mar-Don Drive.			
<b>Planned Road Improvements</b>	The Thoroughfare Plan recommends that Jonestown Road be constructed as a four-lane divided cross section with raised median, curb and gutter, and sidewalks.			
<b>Trip Generation - Existing/Proposed</b>	The addition of the use "Shopping Center" is not anticipated to generate additional traffic.			
<b>Sidewalks</b>	None existing along Jonestown Road or Mar-Don Drive.			
<b>Transit</b>	Route 43 runs along Jonestown Road.			
<b>Traffic Impact Study (TIS)</b>	Not required.			
<b>Analysis of Site Access and Transportation</b>	Staff does not anticipate any additional transportation impacts from this request.			



<b>Information</b>						
<b>Generalized Recommended Conditions</b>		<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b> <ul style="list-style-type: none"> <li>Condition to obtain NCDOT driveway permit</li> </ul>				
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>						
<b>Legacy GMA</b>		GMA 3 (Suburban Neighborhoods)				
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>		<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>				
		No				
		<b>(S)(4) - Is the requested action in conformance with Legacy?</b>				
		Yes				
<b>Analysis of Conformity to Plans and Planning Issues</b>		The HB-S zoning was approved in 1986, and at that time, the use "Shopping Center" did not exist. The petitioner is now asking to add this use in order to accommodate a use that is not a currently approved use. Staff sees no negative issues with this request, since the site is already developed as a shopping center.				
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1494	B-3-S to B-3-S	Approved 2/1/86	Subject property	9.37 acres	Approval	Approval
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>						
<b>Building Square Footage</b>		<b>Square Footage</b>		<b>Placement on Site</b>		
		74,052 sf.		Along the southern and eastern property lines		
<b>Parking</b>		<b>Required</b>	<b>Proposed</b>	<b>Layout</b>		
		330 spaces	374 spaces	Parking lot		
<b>Building Height</b>		<b>Maximum</b>		<b>Proposed</b>		
		60 feet		28 feet		
<b>Impervious Coverage</b>		<b>Maximum</b>		<b>Proposed</b>		
		85%		77.5%		
<b>UDO Sections Relevant to Subject Request</b>		<ul style="list-style-type: none"> <li>Section 2-1.3(I) HB District</li> </ul>				
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>		<b>(A) Legacy policies:</b>		Yes		
		<b>(B) Environmental Ord.</b>		Yes		
		<b>(C) Subdivision Regulations</b>		NA		
<b>Analysis of Site Plan Compliance with UDO Requirements</b>		The site plan proposes no new improvements to the existing site. The site plan meets UDO requirements.				
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>						
<b>Positive Aspects of Proposal</b>				<b>Negative Aspects of Proposal</b>		

The site currently functions as a shopping center.	The use "Shopping Center" allows all the uses permitted in the HB district.
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>	
<p><b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b></p> <p>b. Developer shall obtain a driveway permit from NCDOT. Any requirements of the NCDOT driveway permit shall be completed.</p>	

**STAFF RECOMMENDATION: APPROVAL**

**NOTE:** These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **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.**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Clarence Lambe

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

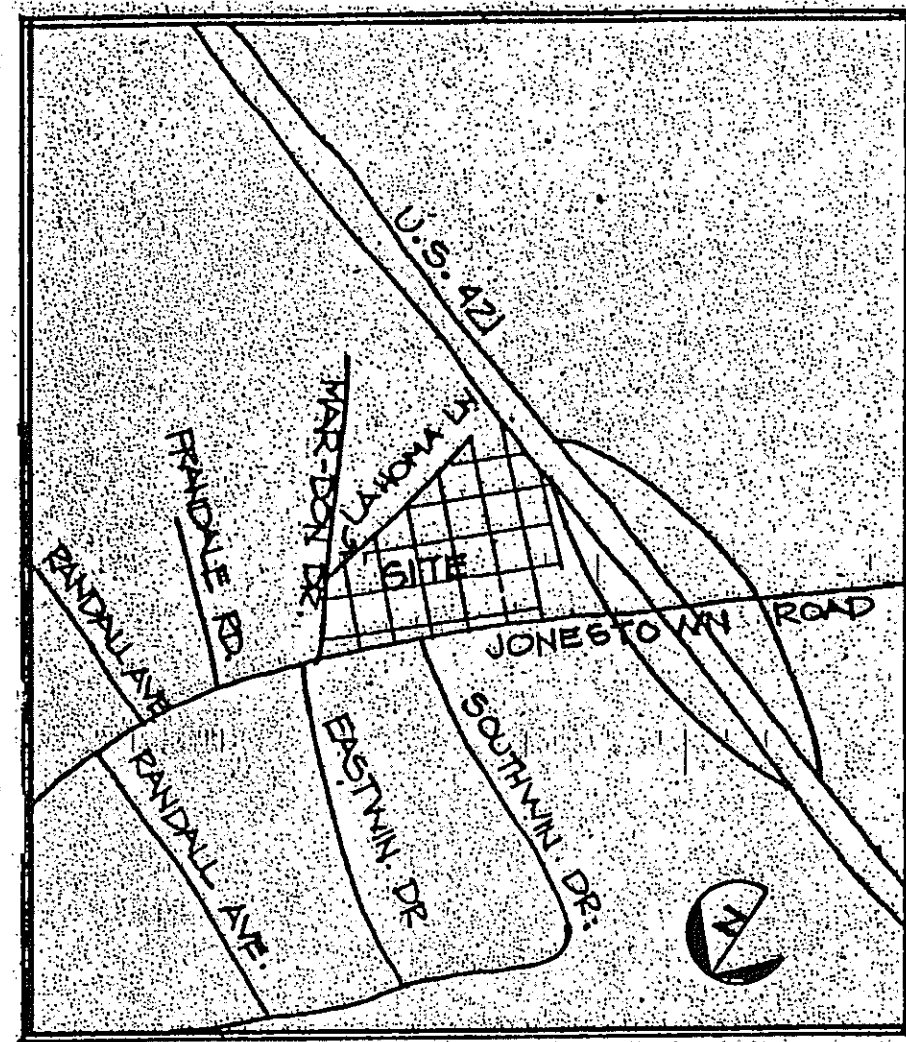
AGAINST: None

EXCUSED: None

---

A. Paul Norby, FAICP  
Director of Planning

PRELIMINARY, NOT FOR CONSTRUCTION



VICINITY MAP  
N.T.S.

SITE DATA

PROPOSED FAMILY ENTERTAINMENT CENTER 49,074 SQ. FT.  
LEASABLE 25,200 SQ. FT.  
TOTAL SQ. FT. 74,274 SQ. FT.

PARKING = 370 SPACES EXISTING FOR PROPOSED REZONING TO SHOPPING CENTER.  
MINIMUM PARKING 1 SPACE PER 225 SF = 330 SPACES  
MAXIMUM PARKING 1 SPACE PER 200 SF = 371 SPACES

BUILDING AREA = 1.70 ACRES = 19%  
PAVED AREA = 5.21 ACRES = 58.5%  
LANDSCAPE AREA = 2.00 ACRES = 22.5%

TOTAL LAND AREA = 8.91 ACRES  
PLUS 2 OUTPARCELS  
PERCENT IMPERVIOUS = 77.5%

ORIGINAL DESIGN REQUIREMENTS

SITE LIGHTING TO CONSIST OF HIGH PRESSURE SODIUM MULTI-LAMP MOUNTED ON 27' POLES 60'-130' APART.  
PERIMETER LIGHTING WILL BE CUT OFF FIXTURE POLE MOUNTED ORIENTED TOWARD THE BUILDING ALLOWING FOR A 1.5 FC MIN. @ PROPERTY LINES, PARKING AND DRIVING SURFACES.

MAX. BUILDING HEIGHT = 28'-0"

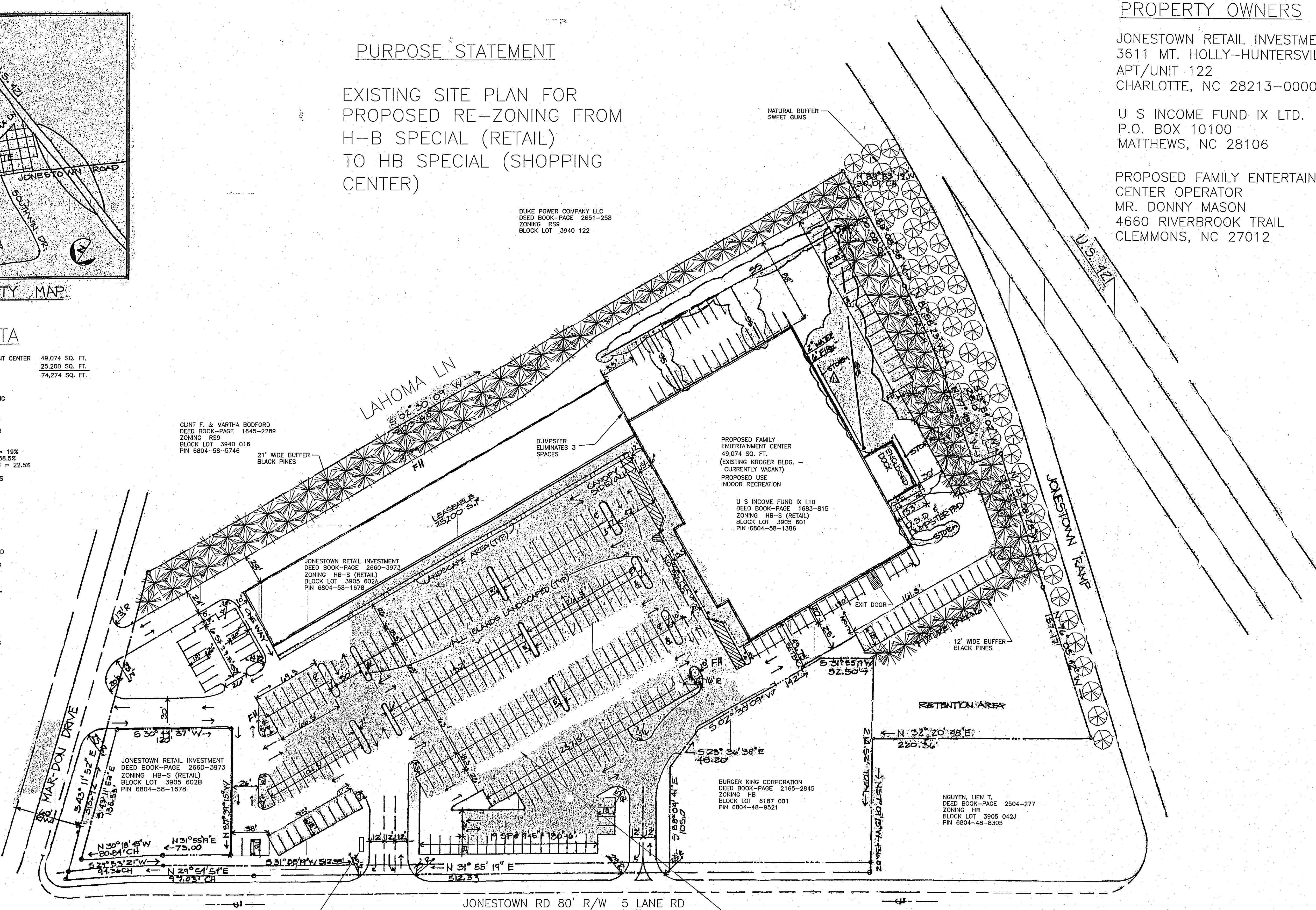
MIN. 25' RADIUS ON TRUCK ROUTES

CURB & GUTTER IN JONESTOWN RD. R/W - MAR-DON R/W AND ALL PERIMETER & ISLAND AREAS

PURPOSE STATEMENT

EXISTING SITE PLAN FOR PROPOSED RE-ZONING FROM H-B SPECIAL (RETAIL) TO HB SPECIAL (SHOPPING CENTER)

DUKE POWER COMPANY LLC  
DEED BOOK-PAGE 2651-258  
ZONING R59  
BLOCK LOT 3940 122



PROPERTY OWNERS

JONESTOWN RETAIL INVESTMENT  
3611 MT. HOLLY-HUNTERSVILLE RD.  
APT/UNIT 122  
CHARLOTTE, NC 28213-0000

U S INCOME FUND IX LTD.  
P.O. BOX 10100  
MATTHEWS, NC 28106

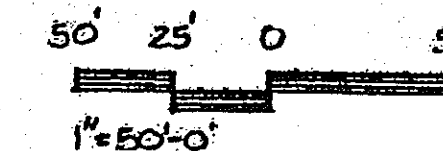
PROPOSED FAMILY ENTERTAINMENT CENTER OPERATOR  
MR. DONNY MASON  
4660 RIVERBROOK TRAIL  
CLEMMONS, NC 27012

Day Associates Engineering Division, PA  
**1** MAIN PLAN  
**C1** 1"=50'

JONESTOWN RD 80' R/W 5 LANE RD

NOTE:  
80' R/W FOR JONESTOWN RD WILL ALLOW FUTURE PROPOSED MODIFICATIONS

JONESTOWN RETAIL INVESTMENT  
DEED BOOK-PAGE 2660-3973  
ZONING HB-S (RETAIL)  
BLOCK LOT 3905 8026  
PIN 6804-58-1678



NO.	DATE	REVISION DESCRIPTION
1	8/2/06	PLANNING COMMENTS

PRELIMINARY, NOT FOR CONSTRUCTION

W-2880 "Revised"  
DWG. NO  
**C1**  
A SITE PLAN FOR:  
CENTRE STAGE AT JONESTOWN  
WINSTON-SALEM, NC  
**SITE PLAN**

PROJ. NO:	06-184	DATE:	06/29/06	SCALE:	1" = 50'
DRWN BY:	RDW	CHK BY:		APPROVAL DATE:	
CLIENT APPROVAL					

Day Associates  
Engineering Division, PA  
6 Roberts Road, Asheville, NC 28803  
(828) 277-8282  
For: **DONNIE MASON**  
Attn: Donny Mason  
4660 River Brook Trail  
Clemmons, NC 27012 336-945-0410

**DAY** Associates  
Engineering Division, PA

DWG. NO.  
**C1**  
SHT 1 OF X