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

## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2880</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Donnie Mason</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>US Income Fund IX, Ltd. and Jonestown Retail Investment</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 601, 602A, 602B and 602G, Tax Block 3905</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Rezoning request to add the use “Shopping Center” to the list of previously approved uses for an HB-S site.</td>
</tr>
</tbody>
</table>
| Proposal | The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S (Highway Business – Special Use Zoning) to HB-S (Highway Business – Special Use Zoning). The petitioner is requesting the following uses:
- (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 (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 Shopping Center) |
| 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 Growth Management Areas 2, 3, and 4. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(I) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
Yes, the site is currently developed as a shopping center. |

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Northeast quadrant of US 421 and Jonestown Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Southwest</td>
</tr>
</tbody>
</table>
### Site Acreage

Approximately ± 8.91 acres

### Current Land Use

Shopping center

### 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>HB-S &amp; LB-S</td>
<td>Bank &amp; Restaurant</td>
</tr>
<tr>
<td>East</td>
<td>RS-9</td>
<td>Undeveloped land</td>
</tr>
<tr>
<td>South</td>
<td>NA</td>
<td>US 421</td>
</tr>
<tr>
<td>West</td>
<td>HB &amp; HB-S</td>
<td>Various commercial uses</td>
</tr>
</tbody>
</table>

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

Yes, the use “Shopping Center” would be compatible with the existing commercial uses.

### Physical Characteristics

The site is currently developed as a shopping center.

### Proximity to Water and Sewer

The site is served by public water and public sanitary sewer.

### Stormwater/Drainage

No known issues.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

The site is currently developed as a shopping center and this request proposes no new changes to the site.

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jonestown Road</td>
<td>Major Thoroughfare</td>
<td>+/- 444 feet</td>
<td>13,000</td>
<td>23,900</td>
</tr>
<tr>
<td>Mar-Don Drive</td>
<td>Local Road</td>
<td>+/- 162 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Proposed Access Point(s)

The site will retain two access points onto Jonestown Road and two onto Mar-Don Drive.

### Planned Road Improvements

The Thoroughfare Plan recommends that Jonestown Road be constructed as a four-lane divided cross section with raised median, curb and gutter, and sidewalks.

### Trip Generation - Existing/Proposed

The addition of the use “Shopping Center” is not anticipated to generate additional traffic.

### Sidewalks

None existing along Jonestown Road or Mar-Don Drive.

### Transit

Route 43 runs along Jonestown Road.

### Traffic Impact Study (TIS)

Not required.

### Analysis of Site Access and Transportation

Staff does not anticipate any additional transportation impacts from this request.
<table>
<thead>
<tr>
<th>Generalized Recommended Conditions</th>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Condition to obtain NCDOT driveway permit</td>
<td></td>
</tr>
</tbody>
</table>

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</th>
<th>GMA 3 (Suburban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition?</td>
<td>No</td>
</tr>
<tr>
<td>(S)(4) - Is the requested action in conformance with Legacy?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Analysis of Conformity to Plans and Planning Issues**
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.

**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-1494</td>
<td>B-3-S to B-3-S</td>
<td>Approved 2/1/86</td>
<td>Subject property</td>
<td>9.37 acres</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**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>74,052 sf.</td>
<td>Along the southern and eastern property lines</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>330 spaces</td>
<td>374 spaces</td>
<td>Parking lot</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>28 feet</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%</td>
<td>77.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy policies:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) Environmental Ord.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Analysis of Site Plan Compliance with UDO Requirements**
The site plan proposes no new improvements to the existing site. The site plan meets UDO requirements.

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
</table>
The site currently functions as a shopping center.

The use “Shopping Center” allows all the uses permitted in the HB district.

<table>
<thead>
<tr>
<th>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</td>
</tr>
<tr>
<td>b. Developer shall obtain a driveway permit from NCDOT. Any requirements of the NCDOT driveway permit shall be completed.</td>
</tr>
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</table>

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
PURPOSE STATEMENT

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

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
MATHEWS, NC 28106

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

PRELIMINARY, NOT FOR CONSTRUCTION