DOCKET #: W2815

PROPOSED ZONING:
GO-S (Multiple Uses)

EXISTING ZONING:
LO-S (Multiple Uses)

PETITIONER:
EFR Properties LLC for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 1.52

MAP(S): 606850
November 17, 2005

EFR Properties, LLC
c/o Terry N. Renegar
4540 Country Club Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2815

Dear Mr. Renegar

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, AICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Warren Kasper, P. O. Box 687, Clemmons, NC 27012
Megan Fryer, 4210 Sunnydell Drive, Winston-Salem, NC 27106
ACTION REQUEST FORM

DATE: November 17, 2005
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL 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 LO-S (Professional Office) to GO-S (Services, Personal; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office): property is located on the eastern corner of Country Club Road and Old Vineyard Road (Zoning Docket W-2815).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: CLARK, CURTIS, FOLAN, KING, MULLICAN, SMITH
AGAINST: EICKMEYER, LAMBE
SITE PLAN ACTION: CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of EFR Properties, LLC, Docket W-2815

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 LO-S (Professional Office) to GO-S (Services, Personal; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Block 3905, Tax Lots 89H and 090B

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 City Council the ______ day of __________________, 20 ____ to EFR Properties, LLC.

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 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 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 EFR Properties, LLC, (Zoning Docket W-2815). 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 GO-S (Services, Personal; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office), approved by the Winston-Salem City Council the _____ day of __________________, 20____" and signed, provided the property is developed in accordance with requirements of the GO-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 BUILDING PERMITS
  a. Developer shall dedicate five (5) feet of new right-of-way in fee simple to the City of Winston-Salem along a portion of the frontage of the property on Country Club Road as shown on the site plan.
  b. Developer shall meet the required setback of parking, access drive and ten (10) foot streetyard landscaping area along Country Club Road or a variance must be approved by the City Zoning Board of Adjustment.
  c. Loading and unloading spaces shall meet the requirements of UDO Section 3-3.6 or a reduction must be approved by the Zoning Officer in accordance with subsection (C)(2) of the UDO.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install a sidewalk to the specifications of the Public Works Department of the City of Winston-Salem along the entire frontage of the property of Country Club Road. Sidewalk shall be installed at the back of the curb and should be constructed in a manner to mitigate any damage to the existing trees along Old Vineyard Road.
b. A ten (10) foot landscaped streetyard along the entire frontage of the property on both the Country Club Road and along the new parking lot’s frontage on Old Vineyard Road. If a variance is not approved as required in condition b. above under building permits, developer shall install the normal streetyard landscape requirements between the access drive and Country Club Road where the site narrows below ten (10) feet in width.

- OTHER REQUIREMENTS
  a. One freestanding ground sign shall be permitted along the frontage on Country Club Road for this new building. Said sign shall be limited to monument type with a maximum height of five (5) feet and maximum area of twenty (20) square feet.
CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2815
November 10, 2005

**PETITION INFORMATION**

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2815</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>EFR Properties LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 89H and 90B/ Tax Block 3905</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Rezoning from LO-S to GO-S</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property **from** LO-S Limited Office District (Professional Office) **to** GO-S General Office District (Services, Personal; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office).

**Zoning District Purpose Statement**

The GO District is primarily intended to accommodate high intensity office uses and supporting services. The district is established to provide locations for employment within Growth Management Areas 1 and 2, activity centers, and Growth Management Area 3 with access to thoroughfares.

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

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes

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**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>Eastern corner of Country Club Road and Old Vineyard 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>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 1.52 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Site is developed with two office buildings totaling 16,392 sf.</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>RS-9 and LO-S</td>
<td>Church and small scale office</td>
</tr>
<tr>
<td>East</td>
<td>RS-9 and RM-18</td>
<td>Single and multifamily residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
<td>Single family residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-9 and LO-S</td>
<td>Single family residential and office 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
### Physical Characteristics
The site is fully developed and slopes moderately down toward the southwest.

<table>
<thead>
<tr>
<th>Stormwater/Drainage</th>
<th>No known stormwater or drainage issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watershed and Overlay Districts</td>
<td>Site is not within a watersupply watershed.</td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The site is suitable for the existing improvements constructed as per the previously approved LO-S site plan.</td>
</tr>
<tr>
<td>Recommended Conditions</td>
<td>See previously approved conditions below</td>
</tr>
</tbody>
</table>

### 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>Country Club Road</td>
<td>Major Thoroughfare</td>
<td>475’</td>
<td>12,000</td>
<td>18,500</td>
</tr>
<tr>
<td>Old Vineyard Road</td>
<td>Minor Thoroughfare</td>
<td>480’</td>
<td>10,000</td>
<td>11,100</td>
</tr>
</tbody>
</table>

### Proposed Access Point(s)
One entrance onto Country Club Road has already been constructed.

### Planned Road Improvements
The Thoroughfare Plan recommends sidewalks along Country Club Road and Old Vineyard Road.

### Trip Generation - Existing/Proposed
- **Existing Zoning:** LO-S
  - 16,392/1,000 x 11.57 (Office Trip Rate) = 190 Trips per Day
- **Proposed Zoning:** GO-S
  - 16,392/1,000 x 36.13 (Medical - Dental Office Building Trip Rate) = 592 Trips per Day

### Sidewalks
Existing sidewalk along the frontage of Country Club Road was required as a condition of the original LO-S rezoning approval, W-2288. It is recommended that a sidewalk be installed along the frontage of Old Vineyard Road.

### Transit
Route 12 along Country Club Road and the Westside Connector Route 43 along Old Vineyard Road.

### Traffic Impact Study (TIS)
No TIS is required

### Analysis of Site Access and Transportation Information
Access to site is adequate.

### Recommended Conditions
See previously approved conditions below plus additional condition of sidewalk along Old Vineyard Road.

### CONFORMITY TO PLANS AND PLANNING ISSUES
- **Legacy GMA**
  - Suburban Neighborhoods (GMA 3)
- **Relevant Legacy Recommendations**
  - *Legacy* states that Suburban Neighborhoods is an area with the most undeveloped land where much of the future residential, commercial
and industrial development should occur. Specifically within GMA 3 are identified several Metro Activity Centers (MAC’s) where more intense future growth including office, retail, residential etc. should be concentrated. This subject property is not located in a MAC. The closest MAC to this site is the Hanes Mall MAC

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Plan Recommendations</td>
<td>• Plan recommends low density residential (0-4 du/ac)</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition?</td>
</tr>
<tr>
<td></td>
<td>Since the area plan was adopted several RS-9 to LO-S rezonings have been approved resulting in a change in the development pattern along this segment of Country Club Road.</td>
</tr>
<tr>
<td></td>
<td>(S)(4) - Is the requested action in conformance with Legacy?</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>In 1995 the site was rezoned to LO-S (Professional Office). The two office buildings totaling 16,392 sf., have since been constructed. The subject request proposes no amendments to the site plan yet would add the uses of Services, Personal; Medical and Surgical Offices; Offices, Miscellaneous. The use of Services, Personal is not permitted in the LO District, hence the request to rezone to GO-S. The conversion to the more intensive GO-S District from LO-S would signal that the general area surrounding the intersection of Country Club Road and Old Vineyard Road would be suitable for more intensive development.</td>
</tr>
<tr>
<td></td>
<td>For comparative purposes, the LO District includes greater limitations on permitted uses, and building setbacks than the GO District. The LO District also has a 40’ maximum height requirement as opposed to 60’ within the GO District and buildings within the LO District are limited to 30,000 square feet in size.</td>
</tr>
<tr>
<td></td>
<td>Although as noted, staff recognizes this area has not developed in a manner consistent with the area plan, which calls for single family residential, staff sees no basis for increasing the intensity in this general area which is not located within a MAC as per Legacy.</td>
</tr>
<tr>
<td>Recommended Conditions</td>
<td>See previously approved conditions below</td>
</tr>
</tbody>
</table>

### 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-2288</td>
<td>Site Plan Amendment for site zoned LO-S (Professional Offices)</td>
<td>Approved 1-09-99</td>
<td>Current site</td>
<td>1.52</td>
<td>Denial</td>
</tr>
</tbody>
</table>

W-2815 November 2005 8
### 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>16,392 sf</td>
<td>Behind parking and circulation areas.</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>55 spaces</td>
<td>55 spaces</td>
<td>Conventional off street to the front or side of the two buildings.</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'</td>
<td>Two stories</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80%</td>
<td>48%</td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- Section 2-1.3 (D) GO District

**Complies with Chapter B, Article VII, Section 7-5.3**

- (A) Legacy policies: No
- (B) Environmental Ord. N/A
- (C) Subdivision Regulations N/A

**Analysis of Site Plan Compliance with UDO Requirements**
The site has been developed in accordance with the approved site plan and no changes to the site plan are proposed.

**Recommended Conditions**
See previously approved conditions below

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request would allow additional land use flexibility to an already developed office site.</td>
<td>Request would set a precedent for future GO District requests in an area which is not within a MAC and is recommended in the area plan for single family residential. The proposed GO-S District could lead to a greater intensification of the surrounding area resulting in development which is out of scale with the adjacent residential neighborhood and which places an even greater burden on the street system.</td>
</tr>
</tbody>
</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL
Note: These conditions are based upon the previously approved site plan for the subject property, W-2288. Some of the conditions may have already been addressed and complied with during construction of the site. New conditions are shown in bold italics.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS
a. Developer shall dedicate five (5) feet of new right-of-way in fee simple to the City of Winston-Salem along a portion of the frontage of the property on Country Club Road as shown on the site plan.

b. Developer shall meet the required setback of parking, access drive and ten (10) foot streetyard landscaping area along Country Club Road or a variance must be approved by the City Zoning Board of Adjustment.

c. Loading and unloading spaces shall meet the requirements of UDO Section 3-3.6 or a reduction must be approved by the Zoning Officer in accordance subsection (C) (2) of the UDO.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
a. Developer shall install a sidewalk to the specifications of the Public Works Department of the City of Winston-Salem along the entire frontage of the property of Country Club Road.

b. A ten (10) foot landscaped streetyard along the entire frontage of the property on both the Country Club Road and along the new parking lot’s frontage on Old Vineyard Road. If a variance is not approved as required in condition b. above under building permits, developer shall install the normal streetyard landscape requirements between the access drive and Country Club Road where the site narrows below ten (10) feet in width.

c. *Developer shall install a sidewalk along the frontage of Old Vineyard Road.*

OTHER REQUIREMENTS
a. One freestanding ground sign shall be permitted along the frontage on Country Club Road for this new building. Said sign shall be limited to monument type with a maximum height of five (5) feet and maximum area of twenty (20) square feet.

STAFF RECOMMENDATION: DENIAL

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.

Gary Roberts presented the staff report.
PUBLIC HEARING

FOR:

Warren Kasper, P. O. Box 687, Clemmons, NC  27012
• This request is initiated because of the loss of a tenant and the desired use of the site by a possible new tenant.
• The issue is the sidewalk. Because we aren't doing any construction, we really can't afford to add a sidewalk along Vineyard Road.

Megan Fryer, 4210 Sunnydell Drive, Winston-Salem, NC  27106
• My business is devoted to the healing arts.
• This kind of use will only grow in the future.
• We offer therapeutic services.
• This is special use so it is not setting a precedent and the intensity can be controlled. Anything that is requested in the future could also be restricted by the special use requirements.
• As a tenant, I am concerned that adding a sidewalk would harm the beautiful row of Bradford Pear trees. They add aesthetic and environmental value.

AGAINST:  None

WORK SESSION

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

1. Dara Folan: If this was general use, I'd have problems with it. However, it is special use district zoning, the buildings are already built out, and there's no opposition. Basically, what they want to do with the site fits into the limited office/medical aspects.

2. Carol Eickmeyer: I think we should consider a text amendment to allow wellness centers in LO Districts.

3. Arnold King: For adding this use, it seems like a sidewalk requirement is a very large burden for the petitioner. Staff responded that this area is extremely busy and is an area where people do walk. Having a sidewalk seems well justified in this particular case. Ms. Eickmeyer noted that not requiring the sidewalk on this case would also establish a precedent for zoning cases in the future to request that they not be required to add a sidewalk.

4. Connie Curtis stated that having a variety of modes of transportation in this area is critical. One possibility for this situation is granting an easement for a sidewalk.
5. Carol Eickmeyer: If this was just a site plan amendment, adding a sidewalk would add a heavy burden. However, this is a rezoning.

6. Wesley Curtis: I can certainly vote for this because we have a use that has almost fallen through the crack. I think a GO-S is the best place for this use, but I do think if sidewalks are something we want for the area, we should keep that in the recommendation. If we include the sidewalk, I would vote for it. However, if the sidewalk is not included, I would not vote for it.

7. Clarence Lambe: I would rather have the sidewalk than the trees. There are tons of residents down Old Vineyard and providing a sidewalk is a worthy endeavor.

8. In response to a question from Carol Eickmeyer, staff responded that the sidewalk width needs to remain constant to meet ADA requirements. However, sidewalks can curve to avoid such things as trees.

9. Clarence Lambe: I would like to ask that in the future, if we are considering adding a sidewalk, we know for certain if a sidewalk can be placed on the site.

10. Carol Eickmeyer: If we support sidewalks, we require them. If not, we decided on a case-by-case basis which everybody hates. This change has fairly immense consequences for this area. If that's going to happen, there ought to be a real cost associated with it to set the neighborhood up so it works.

11. Dara Folan: I disagree that it is a substantial change. To me the change in use isn't that great.

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark

AMENDED MOTION: Dara Folan amended his motion to recommend approval of the rezoning with the additional condition that upon investigation by the City and finding that it is feasible to put a sidewalk on the north side of Old Vineyard Road, either in the current right-of-way or in an easement, that become a condition of the petitioner. If neither of those proves to be possible, then that would not be a condition on this development.
SECOND: Jerry Clark accepted the amendment.

VOTE:
   FOR: Clark, Curtis, Folan, King, Mullican, Smith
   AGAINST: Eickmeyer, Lambe
   EXCUSED: None
Written Comments Submitted by Planning Board Members:

Carol Eickmeyer: Against the rezoning because it does set a precedent for the Country Club Road area - which is rapidly changing in character - and a sidewalk negotiation is a small price of the zoning change - which will make such a change. And the issue of trees vs. sidewalk is going to come up often with the new standards.

________________________
A. Paul Norby, AICP
Director of Planning