

June 25, 2001

Wake Forest University Legal Department
Attn: J. Reid Morgan
P.O. Box 7656
Winston-Salem, N.C. 27109

RE: ZONING TEXT AMENDMENT UDO-75

Dear Mr. Morgan:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem Board of Aldermen is sent to you at the request of the Commissioners and Aldermen.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Rice, City Secretary, of the date on which the Commissioners and Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Rice, City Secretary

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

Zoning Text Amendment proposed by Wake Forest University to amend various sections of the UDO to create a new Institutional and Public use entitled, "Academic Medical Center"(UDO-75).

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning Text Amendment proposed by Wake Forest University to amend various sections of the UDO to create a new Institutional and Public use entitled, "Academic Medical Center"(UDO-75).

After consideration, the Planning Board recommended approval of the text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

Board of Aldermen — Action Request Form

Date: June 27, 2001

To: The City Manager

From A. Paul Norby, AICP, Director of Planning

Board Action Requested:

Request for Public Hearing on Zoning Text Amendment UDO-75 regarding proposal by Wake Forest University to amend various sections of the UDO to create a new Institutional and Public use entitled, "Academic Medical Center".

Summary of Information:

Request for Public Hearing on Zoning Text Amendment UDO-75 regarding proposal by Wake Forest University to amend various sections of the UDO to create a new Institutional and Public use entitled, "Academic Medical Center".

Committee Action:

Committee _____ **Action** _____

For _____ **Against** _____

Remarks:

STAFF REPORT

DOCKET #: UDO-75

STAFF: Glenn Simmons

REQUEST

Text amendment proposed by Wake Forest University Baptist Medical Center to amend Chapter A, Article II - Definitions, and Chapter B, Article II, Table 2.6 Permitted Uses of the Unified Development Ordinances (UDO) by adding a new use classification of "Academic Medical Center". Said amendment will permit properties classified as "Academic Medical Center", regardless of ownership, to be treated as a single zoning lot for regulatory purposes.

BACKGROUND

Although most of the properties associated with the Wake Forest University Baptist Medical Center are consolidated into a single Campus (C) zoning classification, differences in legal ownership between land parcels sometimes creates practical difficulties in meeting various building setback and other UDO requirements. For example, some properties inside the Campus district may be owned by Wake Forest University while others may be owned by Baptist Hospital or some other non-profit coordinating corporation. Under such circumstances, building setbacks from property lines, and other UDO requirements may interfere with the orderly and efficient development, or redevelopment, of properties inside the Campus zoning district.

Under the proposed UDO text amendment, all contiguous properties qualifying under the new use classification "Academic Medical Center" will be treated as a single zoning lot, and interior lot boundaries will not trigger building setback or other UDO requirements.

ANALYSIS

Under current provisions of the UDO, properties in different ownership are required to observe building setback and other UDO provisions which are intended to promote comfortable and appropriate spatial relationships between buildings and other site elements. By contrast, multiple tracts of land in the same ownership are not subject to the same requirements. In these circumstances, it is not uncommon for buildings, parking lots, and other site elements to cross interior lot boundaries.

With respect to Wake Forest University Baptist Medical Center, property ownership is inherently more complex than most legal entities and is subject to change as building programs and other needs of the medical center evolve over time. In this context, practical difficulties sometimes arise as various physical components of the medical center must meet the current UDO requirements for construction which appear to be inconsistent with the intent of the current ordinances.

As a remedy, the UDO amendment would establish a new land use classification which would recognize all contributing, non-profit elements of a teaching hospital as a single entity for zoning and subdivision purposes. Just as importantly, where the new use abuts adjacent uses in separate ownership or zoning districts, building setbacks and other provisions of the UDO would still apply. The UDO would thus continue to provide the same protections to adjacent land owners as the existing ordinances currently do. Staff understands that the petitioner has contacted the Ardmore Neighborhood Association about the proposed amendment. As of this writing staff is not aware of any neighborhood concerns.

The primary purpose of the current UDO amendment is to address proposed Academic Medical Center uses within the Campus (C) zoning district. However, staff notes that other zoning classifications have also been included in the amendment as appropriate districts for the Academic Medical Center use. Such additional zoning districts are the CPO, GO, PB, HB, GB, CB, LI, CI, and MUS districts.

Since the proposed text amendment is rather narrowly defined with respect to teaching hospitals, the only known application would be for the Wake Forest University Baptist Medical Center. Although Novant/Forsyth Hospital was contacted by the petitioner it does not appear that the amendment will have any direct application to them at this time. It is possible however that the text amendment could apply to future institutions meeting the new criteria for Academic Medical Center.

RECOMMENDATION

Staff recommends **APPROVAL**.

PUBLIC HEARING June 14, 2001

FOR: None

AGAINST: None

WORK SESSION

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

1. Paul Norby stated that if a use is changed, you have to comply with all of the requirements of the UDO that relate to that use. It would be like the situation with Wachovia Data Center: they could not change to a use requiring more parking because they would not meet the requirements in the UDO.
2. Mr. Norwood asked if the Ronald McDonald House would be included in Academic Medical Center definition? Ronnie Grubbs stated that it would not because all three uses must be present on the property; all on one zoning lot.
3. Ms. Schroeder understood one of the goals, for example, to be if you had three separate buildings that could be treated as one use for the number of parking

spaces required. She questioned what the goal of treating the use as one zoning lot was.

4. Glenn Simmons stated that the main consideration is building set-backs. With separate uses; you have separate lot lines, and are required to have certain set backs from those lot lines.
5. Ronnie Grubbs stated that the real intent is to consider it is all under one zoning lot, all of the Baptist Hospital campus, which has different legal entities. The three entities all share parking, function like a campus, and meet the requirements for the whole
6. This is just a definition change and changing to a new use would require the petitioner to come back in with another application to rezone the actual real estate.
7. In the particular instance of Baptist Hospital, all the buildings are on one zoning lot. However, under the provisions of the text amendment, there could be multiple zoning lots.
8. Ronnie Grubbs stated that the only thing this would do would allow three different entities to call themselves a campus.

MOTION: Avant moved for approval.

SECOND: Doyle

VOTE:

FOR: Avant, Doyle, Johnson, King, Norwood, Powell, Schroeder

AGAINST: None

EXCUSED: Snelgrove

A. Paul Norby, AICP
Director of Planning

UDO-75
AN ORDINANCE AMENDING
CHAPTER A AND CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO THE ESTABLISHMENT OF A NEW USE CLASSIFICATION
"ACADEMIC MEDICAL CENTER"

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding hereto (after the definition of "ABC STORE (LIQUOR)" AND BEFORE "ACCELERATED EROSION") the following:

"ACADEMIC MEDICAL CENTER. Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot."

Section 2. Table 2.6 Permitted Uses of Chapter B - Zoning Ordinance, Article II is amended by adding under the heading of "Use Type and subheading of "Institutional and Public Uses" a new labeled "Academic Medical Center"; and, by adding "Z" in the square where the Use "Academic Medical Center" and in the vertical columns of "CPO", "GO", "PB", "HB", "GB", "CB", "LI", "CI", "C", and "MUS" coincide.

Section 3. This ordinance shall be effective upon adoption.

UDO-75
AN ORDINANCE AMENDING
CHAPTER A AND CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO THE ESTABLISHMENT OF A NEW USE CLASSIFICATION
"ACADEMIC MEDICAL CENTER"

Be it ordained by the Board of Aldermen of the City of Winston-Salem, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding hereto (after the definition of "ABC STORE (LIQUOR)" AND BEFORE "ACCELERATED EROSION") the following:

"ACADEMIC MEDICAL CENTER. Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot."

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Section 3. This ordinance shall be effective upon adoption.

UDO-75
AN ORDINANCE AMENDING
CHAPTER A AND CHAPTER B OF THE
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PERTAINING TO THE ESTABLISHMENT OF A NEW USE CLASSIFICATION
"ACADEMIC MEDICAL CENTER"

Be it ordained by the Board of Aldermen of the Town of Kernersville, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding hereto (after the definition of "ABC STORE (LIQUOR)" AND BEFORE "ACCELERATED EROSION") the following:

"ACADEMIC MEDICAL CENTER. Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot."

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Section 3. This ordinance shall be effective upon adoption.

UDO-75
AN ORDINANCE AMENDING
CHAPTER A AND CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO THE ESTABLISHMENT OF A NEW USE CLASSIFICATION
"ACADEMIC MEDICAL CENTER"

Be it ordained by the Village Council of the Village of Clemmons, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding hereto (after the definition of "ABC STORE (LIQUOR)" AND BEFORE "ACCELERATED EROSION") the following:

"ACADEMIC MEDICAL CENTER. Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot."

Section 2. Table 2.6 Permitted Uses of Chapter B - Zoning Ordinance, Article II is amended by adding under the heading of "Use Type and subheading of "Institutional and Public Uses" a new labeled "Academic Medical Center"; and, by adding "Z" in the square where the Use "Academic Medical Center" and in the vertical columns of "CPO", "GO", "PB", "HB", "GB", "CB", "LI", "CI", "C", and "MUS" coincide.

Section 3. This ordinance shall be effective upon adoption.

UDO-75
AN ORDINANCE AMENDING
CHAPTER A AND CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO THE ESTABLISHMENT OF A NEW USE CLASSIFICATION
"ACADEMIC MEDICAL CENTER"

Be it ordained by the Town Council of the Town of Lewisville, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding hereto (after the definition of "ABC STORE (LIQUOR)" AND BEFORE "ACCELERATED EROSION") the following:

"ACADEMIC MEDICAL CENTER. Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot."

Section 2. Table 2.6 Permitted Uses of Chapter B - Zoning Ordinance, Article II is amended by adding under the heading of "Use Type and subheading of "Institutional and Public Uses" a new labeled "Academic Medical Center"; and, by adding "Z" in the square where the Use "Academic Medical Center" and in the vertical columns of "CPO", "GO", "PB", "HB", "GB", "CB", "LI", "CI", "C", and "MUS" coincide.

Section 3. This ordinance shall be effective upon adoption.