November 20, 2017

Forsyth Park Baptist Church
1600 South Hawthorne Road
Winston-Salem, NC 27103

Re: Zoning Petition W-3353

Dear Petitioner:

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 and Development Services

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Ciska Weber, 841-4 Reynolda Road, Winston-Salem, NC 27104
### ACTION REQUEST FORM

**DATE:** November 20, 2017  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning and Development Services

### COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Petition of Forsyth Park Baptist Church

### SUMMARY OF INFORMATION:

A. Public hearing on zoning petition of Forsyth Park Baptist Church (Zoning Docket W-3353).

B. Ordinance amending the *Unified Development Ordinances* of Winston-Salem/Forsyth County and the Official Zoning Map.

C. Approval of Special Use Limited District Permit.

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Forsyth Park Baptist Church, Docket W-3353

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 NB-L to NB-L (Retail
Store; Offices; Services A; Church or Religious Institution, Neighborhood; and Restaurant
Without Drive-Through Service) the zoning classification of the following described property:

PIN#s 6814-89-7849 and 6814-89-8809.

Section 2. This Ordinance is adopted after approval of the Special Use Limited District
Permit issued by the City Council the ______ day of __________________, 20___ to Forsyth
Park Baptist Church.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District
Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a
development to be located on the property described in section one above. Said Special Use
Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Forsyth Park Baptist Church, (Zoning Docket W-3353). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood; and Restaurant (Without Drive-Through Service), approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the NB-L 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 ZONING PERMITS:

a. The use of Services A shall not include the following sub uses: Garment Pressing and Agents for Laundries and Drycleaners 7212; Coin-Operated Laundries and Cleaning 7215; Drycleaning Plants; Except Rug 7216; Carpet and Upholstery Cleaning 7217.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3353</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Forsyth Park Baptist Church</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN#s 6814-89-7849 and 6814-89-8809</td>
</tr>
<tr>
<td>Address</td>
<td>1612 South Hawthorne Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use limited request from NB-L to NB-L</td>
</tr>
</tbody>
</table>

#### Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from NB-L (Neighborhood Business – special use limited - Retail Store; Offices; Services A; and Church or Religious Institution, Neighborhood) to NB-L (Neighborhood Business – special use limited). The petitioner is requesting the following uses:

- Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood; and Restaurant (Without Drive-Through Service)

**NOTE:** General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.

#### Neighborhood Contact/Meeting

See Attachment A for a summary of the petitioner’s neighborhood outreach.

#### Zoning District Purpose Statement

The NB District is primarily intended to accommodate low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district should demonstrate pedestrian oriented design through elements such as on-street parking, façade articulation, storefront display windows, awnings and building entrances facing the street. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in GMAs 2, 3, 4 and 5.

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

(R)(I) - *Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?*

Yes, the modest sized site is currently zoned NB-L and it is located in a transitional area between single family homes and office and institutional uses. It is also located in the Urban Neighborhoods GMA and it is adjacent to another NB-L zoned site.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Hawthorne Road, west of Bolton Street</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>± .44 acre</td>
</tr>
</tbody>
</table>
Current Land Use

The site is developed with a 4,142 square foot commercial building and an adjacent parking lot.

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>LO &amp; RS9</td>
<td>Offices uses</td>
</tr>
<tr>
<td>East</td>
<td>RS9</td>
<td>Forsyth Park Baptist Church</td>
</tr>
<tr>
<td>South</td>
<td>LO &amp; LO-S</td>
<td>Dental office</td>
</tr>
<tr>
<td>West</td>
<td>NB-L</td>
<td>Commercial and office uses</td>
</tr>
</tbody>
</table>

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

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

Yes, the proposed new use of Restaurant Without Drive-Through is generally compatible with the uses permitted on the adjacent properties particularly due to the modest size of the subject property.

Physical Characteristics

The developed site has a gentle slope downward to the east.

Proximity to Water and Sewer

The site has access to public water and sewer.

Stormwater/Drainage

No known issues.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

The site is currently developed with a modest sized, one story commercial building. The eastern portion of the site is developed with a parking lot which is also used by Forsyth Park Baptist Church. The site has no apparent constraints and appears to be suitable for development within the proposed NB-L zoning.

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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>W-3195</td>
<td>RS9 to NB-L</td>
<td>Approved 10-7-13</td>
<td>Directly west</td>
<td>.44</td>
<td>Approval</td>
</tr>
<tr>
<td>W-3091</td>
<td>RS9 to NB-L</td>
<td>Approved 4-4-11</td>
<td>Current site</td>
<td>.44</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1597</td>
<td>R-4 to R1-S (LO-S)</td>
<td>Approved 8-7-89</td>
<td>Directly south</td>
<td>.59</td>
<td>Approval</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>Hawthorne Road</td>
<td>Minor Thoroughfare</td>
<td>120’</td>
<td>10,000</td>
<td>15,800</td>
</tr>
<tr>
<td>Unnamed alley</td>
<td>Unopened alley</td>
<td>120’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)

Because this is a special use limited request with no site plan or access conditions, the exact location of access points (other than the existing driveway onto Hawthorne Road and the unnamed alley) is unknown.
### Planned Road Improvements
The *Comprehensive Transportation Plan* recommends sidewalks along Hawthorne Road.

### Trip Generation - Existing/Proposed
No trip generation is available for the existing or proposed special use limited zonings as neither includes a site plan. Although the use of a restaurant generally has a higher trip generation than the approved uses, staff would not anticipate a negative impact on the transportation network as a result of this request.

### Sidewalks
While there are sidewalks in the general area along both sides of Hawthorne Road, there is no public sidewalk along the frontage of the subject property. No sidewalks are being recommended as there are no physical changes to the site being requested.

### Transit
Route 107 runs along Hawthorne Road.

### Analysis of Site Access and Transportation Information
The site fronts on a minor thoroughfare which has excess capacity and is served with transit. Staff does not anticipate any negative transportation impacts from this request.

## CONFORMITY TO PLANS AND PLANNING ISSUES

### Legacy 2030 Growth Management Area
Growth Management Area 2 - Urban Neighborhoods

### Relevant Legacy 2030 Recommendations
- GMA 2 (Urban Neighborhoods) includes the area of Winston-Salem built primarily before the post-1950 pattern of auto-oriented development. This part of the “old city” includes intermixed areas of residential, commercial, industrial and institutional development featuring smaller lots, sidewalks and a grid street pattern.
- Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods.
- What constitutes “protection” of a neighborhood from development or redevelopment varies greatly through our community. Some residents express concern over nonresidential development near housing; others perceive increased residential densities or attached housing to be negative.

### Relevant Area Plan(s)
*Southwest Winston-Salem Update (2016)*

### Area Plan Recommendations
- The Proposed Land Use Map (Map 6) recommends commercial land use for the western half of the site which includes said building and institutional land use for the eastern half which contains a parking lot.

### Site Located Along Growth Corridor?
The site is not located along a growth corridor.

### Site Located within Activity Center?
The site is not located within an activity center.
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)

| (R)(3) - Have changing conditions substantially affected the area in the petition? |
|----------------------------------|----------------------------------|
| No                               |                                  |

| (R)(4) - Is the requested action in conformance with Legacy 2030? |
|---------------------------------------------------------------|------------------|
| Yes                                                           |                  |

### Analysis of Conformity to Plans and Planning Issues

The request is to rezone a relatively small property which contains a modest sized commercial building and parking area from NB-L to NB-L. The purpose of the request is to add the use of Restaurant Without Drive-Through. The site was rezoned from RS9 to NB-L in 2011.

The *Southwest Winston-Salem Update* recommends commercial land use for the western half of the site which includes said building and institutional land use for the eastern half which contains a parking lot which is also used by the adjacent church. While the eastern portion of the site is currently zoned NB-L, the area plan recommendation for institutional use was based more upon the design of the parking lot (which is oriented to serve the church) than it was on the existing commercial zoning.

It should be noted that at the present time the parking for this site is categorized at nonconforming due to its location with the Urban Neighborhoods GMA. However, adding the use of restaurant will trigger the need for the site to comply with the parking requirements for all of the uses within the building.

The proposed zoning would allow for a restaurant use which is generally considered more intense than the approved uses for the site. However, the NB district has many inherent design controls which are intended to minimize off site impacts while providing for small scale commercial needs within a neighborhood setting. These controls include limitations on signage, lighting, building size, and location of parking. Also, the previously approved rezoning for the subject property included a condition which further limits the use of Services A. This condition is carried forward with the current request. Staff recommends approval of the subject request.

### 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>The modest scale of the existing building and limited uses are compatible with the surrounding development pattern.</td>
<td>The proposed use of Restaurant Without Drive-Through could generate a greater demand for parking.</td>
</tr>
<tr>
<td>Request is consistent with the purpose statement of the NB District.</td>
<td></td>
</tr>
<tr>
<td>The NB district has inherent requirements regarding scale, location of parking, lighting, signage, and landscaping designed to allow convenient commercial services close to and within residential areas.</td>
<td></td>
</tr>
</tbody>
</table>
The request is consistent with the commercial land use recommendation of the *Southwest Winston-Salem Update* for the western portion of the site.

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF ZONING PERMITS:**
  a. The use of Services A shall not include the following sub uses: Garment Pressing and Agents for Laundries and Drycleaners 7212; Coin-Operated Laundries and Cleaning 7215; Drycleaning Plants; Except Rug 7216; Carpet and Upholstery Cleaning 7217.

### 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.**
Aaron King presented the staff report.

**PUBLIC HEARING**

FOR:  None

AGAINST:  None

**WORK SESSION**

A Board Member asked about how parking would be handled.

Staff responded that the site is currently nonconforming to parking because of the rules we have in GMA2. They are allowed to change uses in and out without meeting current parking requirements. When you add the use of restaurant to a site, that triggers the impact of having to meet parking requirements. So, whenever they come in to get a permit for the restaurant use, they are going to have to demonstrate they have enough parking on this NB-L lot to satisfy the parking requirements for all tenants located in the existing building. The UDO also allows consideration of shared parking by uses that have different days and times of use, such as churches.

**MOTION:** Clarence Lambe moved approval of the zoning petition.
**SECOND:** Allan Younger
**VOTE:**
- FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger
- AGAINST: None
- EXCUSED: None

____________________________
A. Paul Norby, FAICP
Director of Planning and Development Services
DOCKET #: W3353

PROPOSED ZONING:
NB-L

EXISTING ZONING:
NB-L

PETITIONER:
Forsyth Park Baptist Church

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.44

NEAREST BLDG: 0' east

MAP(S): 6814.02
Proposed Land Use

- Open Space
- Mixed Use
- Industrial
- Institutional
- Commercial
- Office/Low-Intensity Commercial
- High-Density Residential (over 18 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- Low-Density Attached Residential (0-8 DU/Ac)
- Office

Residential Opportunity Areas
- Single-Family Residential
- Low-Density Attached Residential (0-8 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- High-Density Residential (over 18 du/ac)

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

Southwest Winston-Salem Area Plan Update, 2016

(Proposed land uses shown are generalized. See area plan for specific recommendations.)
SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

7212  Garment Pressing and Agents for Laundries and Drycleaners
7215  Coin-Operated Laundries and Cleaning
7216  Drycleaning Plants, Except Rug
7217  Carpet and Upholstery Cleaning
722   Photographic Studios, Portrait
723   Beauty Shops
724   Barber Shops
725   Shoe Repair and Shoeshine Parlors
729   Miscellaneous Personal Services
733   Mailing, Reproduction, Commercial Art and Photography
735   Equipment Rental and Leasing (only with inside storage of equipment)
737   Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
738   Miscellaneous Business Services
762   Electrical Repair Shops
763   Watch, Clock, and Jewelry Repair
764   Reupholstery and Furniture Repair
7699  Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
In an effort to reach the local neighborhood and surrounding businesses, we did the following:

10/10/17: We sent an email to the Ardmore Neighborhood Association explaining our plans and informing them that we would be holding a meeting in the coming weeks to discuss the rezoning and answer questions. We asked that the Ardmore Neighborhood Association please forward the email to their members.

10/23/17: We posted to the Ardmore Neighborhood Facebook Page our plans and gave the time and place of the meeting and invited anyone that wanted to to stop by, meet us and ask any questions they may have. Within 24 hours the post received 76 likes and only positive comments.

We also emailed the meeting information to the Neighborhood Association and asked that they forward it to their members.

We also sent an email directly to Dan Beese, the councilman for that ward and invited him to the meeting.

Additionally, we distributed, door-to-door, 20 letters (see attached) to the neighboring businesses explaining our plans and that we were having meeting and to please stop by and meet us.

10/25/17: At 6 PM we opened the doors for the community meeting held at 1612 S. Hawthorne Rd. No one attended the meeting.

However, based on the additional positive likes (now up to 81) on the Ardmore Facebook page, and the ability to interact with us through Facebook, we feel the surrounding community fully supports the rezoning and the opening of Cafe Gelato.

If you have any questions, please contact us.

Sincerely,

Christopher Edwards & Ciska Weber
Cafe Gelato
christopher@icloud.com
ph: 336.416.0075
845 Reynolda Road
Winston-Salem | NC
27104

Dear Neighbors,

We are in the process of opening up a second location of Cafe Gelato at 1612 S. Hawthorne Road.

In order to do this the building’s zoning has to be amended, which we are in the process of doing.

We will be at the new location Wednesday the 25th, at 6 PM for neighbors to meet us and ask questions.

Please keep in mind that renovation has not begun (pending zoning change), so the space is a little “rustic”.

You may also email us at christopher@cafegelato.com

Looking forward to meet our new neighbors,

Christopher and Ciska
Cafe Gelato