DOCKET #: W3184

PROPOSED ZONING: IP-S

EXISTING ZONING: RS9

PETITIONER: Redeemer Presbyterian Church for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.21

NEAREST BLDG: 7' north

MAP(S): 618850
June 19, 2013

Redeemer Presbyterian Church
c/o Robert W. Alexander
1046 Miller Street
Winston-Salem, NC 27103

Re: Zoning Petition W-3184

Dear Mr. Alexander:

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,

[Signature]
A. Paul Norby, FAICP
Director of Planning

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Wayne Barber, 4720 Kester Mill Road, Winston-Salem, NC 27103
Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103
**ACTION REQUEST FORM**

**DATE:** June 19, 2013  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning  

**COUNCIL ACTION REQUEST:**  
Request for Public Hearing on zoning petition of Redeemer Presbyterian Church  

**SUMMARY OF INFORMATION:**  
Zoning petition of Redeemer Presbyterian Church from RS9 to IP-S (Residential Building, Single Family; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; and School, Private): property is located on the west side of Miller Street between Gaston Street and Ardsley Street (Zoning Docket W-3184).  

**PLANNING BOARD ACTION:**  
**MOTION ON PETITION:** APPROVAL  
**FOR:** WESLEY CURTIS, ARNOLD KING, CLARENCE LAMBE, DARRYL LITTLE, LYNNE MITCHELL, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER  
**AGAINST:** BARRY LYONS  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Redeemer Presbyterian Church, Docket W-3184

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 RS9 to IP-S (Residential Building, Single Family; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; and School, Private) the zoning classification of the following described property:

PIN #6825-30-5395

Section 2. This Ordinance is adopted after approval of the site plan entitled Redeemer Presbyterian Church and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of ____________________, 20__ to Redeemer Presbyterian Church.

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 Redeemer Presbyterian Church. 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 Redeemer Presbyterian Church, (Zoning Docket W-3184). 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 IP-S (Residential Building, Single Family; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; and School, Private), approved by the Winston-Salem City Council the _____ day of ________________________, 20____" and signed, provided the property is developed in accordance with requirements of the IP-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 ANY PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
  b. Developer shall obtain an approved bufferyard variance from the Winston-Salem Zoning Board of Adjustment for the existing garage and rip rap outlet pad.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.
  b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

- **OTHER REQUIREMENTS:**
  a. The existing principal structure located on Tax PIN# 6825-30-5395 shall be retained in the original, existing location on the site. The buildings shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by the Historical Resources Staff of the CCPB.
b. As volunteered by the petitioner: If the church ever sells PIN#6825-30-5395, or if the existing home located on said PIN# is removed, the parking lot shall be removed and the backyard be restored to its original condition. [Note: Staff recommends adding a time limit of six (6) months to further clarify when these modifications would be complete.]
## CITY-COUNTY PLANNING BOARD
### STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3184</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Redeemer Presbyterian Church</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6825-30-5395</td>
</tr>
<tr>
<td>Address</td>
<td>1040 Miller Street</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from RS9 to IP-S</td>
</tr>
</tbody>
</table>
| Proposal       | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family; 9,000 sf minimum lot size) to IP-S (Institutional and Public- special use district). The petitioner is requesting the following uses:  
  - Residential Building, Single Family; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; and School, Private |
| Neighborhood Contact/Meeting | According to an email received from the site plan preparer, a neighborhood meeting was held at 7pm on May 9th, 2013 at the officers meeting of the Ardmore Neighborhood Association where approximately 12 people were present. “It appears that the neighborhood association is in support of the project as long as the existing house remains, which it is and will be noted on the plan, or if the church ever sells that lot or the house is removed the parking lot will be removed and the original backyard be restored”. |
| Zoning District Purpose Statement | The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | (R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
Yes, the site is directly adjacent to a neighborhood scale church which is zoned IP and is located within a residential area. |

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Miller Street between Gaston Street and Ardsley 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>± .21 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A one story, single family residence along with an accessory garage is currently located on the site. Some informal parking, associated with the adjacent church, is located in the rear yard.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td>Direction</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</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 residential and institutional uses are compatible with the uses permitted within the adjacent RS9 and IP zoned properties.

Physical Characteristics

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

Proximity to Water and Sewer

Public water and sewer are available to the site.

Stormwater/Drainage

No known issues.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Historic, Natural Heritage and/or Farmland Inventories

Constructed around 1945, the McNeil House is a contributing property within the Ardmore National Register Historic District. The Minimal Traditional style brick house is a one-story, side gable-roofed dwelling with a front gable projection and chimney and a basket weave water table. Historic Resources staff recommends placing a condition that the house be retained on site.

Analysis of General Site Information

The site is located between a neighborhood scale church and other single family homes. A portion of the parking for said church is located on the subject property. The site is within the Ardmore National Register Historic District.

### 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>Miller Street</td>
<td>Minor Thoroughfare</td>
<td>50'</td>
<td>7,800</td>
<td>13,800</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)
The site currently has a single driveway onto Miller Street and is also served by an adjacent, off-site driveway onto Miller Street.

Planned Road Improvements
The Comprehensive Transportation Plan recommends a two-lane cross section with on-street parking on one side and sidewalks for Miller Street.

Trip Generation - Existing/Proposed

Existing Zoning: RS9
\[
0.21 \times 43,560 / 9,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day}
\]

Proposed Zoning: IP-S
\[
1,476 / 1,000 \times 9.11 \text{(Church Trip Rate)} = 9 \text{ Trips per Day}
\]

Sidewalks
Sidewalks are located along both sides of Miller Street.

Transit
Route 18 runs along Hawthorne Street located 500’ to the north.
| Connectivity | The site is interconnected with the adjacent church site to the south in that the parking area in the rear of the subject property is accessed from an adjacent, off-site driveway. |
| Analysis of Site Access and Transportation Information | The site has good access with frontage onto a minor thoroughfare. The rear portion of the site is currently accessed via an adjacent, off-site driveway. This driveway would have to be widened to 20'. No increase in trip generation is expected. |
| **CONFORMITY TO PLANS AND PLANNING ISSUES** | |
| **Legacy GMA** | Growth Management Area 2 – Urban Neighborhoods |
| **Relevant Legacy Recommendations** | - Encourage the revitalization of institutional and commercial uses that are integral parts of neighborhoods.  
- Require sufficient, but not excessive parking, while protecting adjacent land uses, surrounding neighborhoods and the environment.  
- Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. |
| **Relevant Area Plan(s)** | *Southwest Winston-Salem Area Plan* (2009) |
| **Area Plan Recommendations** | - The *Southwest Winston-Salem Area Plan* identifies the subject property as single family development. No changes are proposed on the future plan use map. |
| **Addressing** | There are no addressing or street naming concerns. |
| **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 |
| **Analysis of Conformity to Plans and Planning Issues** | (R)(4) - Is the requested action in conformance with Legacy?  
Yes |
| | The request would essentially extend the existing IP zoning (via IP-S), associated with the adjacent Redeemer Presbyterian Church, northward one lot along Miller Street. While the *Southwest Winston-Salem Area Plan* does not advocate such an expansion, the request includes the retention of the existing single family home and the addition of some parking behind said structure. Keeping the house, which is a contributing property within the Ardmore National Register Historic District, would minimize any impact to the streetscape along Miller Street. |
| | *Legacy* encourages the revitalization of institutional uses that are an integral part of a neighborhood. Presently, this neighborhood scale church (formerly a public school site) blends well into the character of the surrounding neighborhood. Planning staff is conscious of the need to accommodate reasonable expansions of institutional uses within the context of a broader residential setting. In staff’s opinion, the subject request achieves an appropriate and sensitive balance between the adjacent single family homes and the church. However, it should be noted that staff support for possible future expansions would similarly be based upon the retention of existing homes and the provision of a good transition/buffer to the surrounding homes. |
**RELEVANT ZONING HISTORIES**

There are no relevant zoning histories in the general vicinity of the subject property. However, on 2-10-05 the Planning Board approved a Planning Board Review for a School, Private on the adjacent IP zoned site (Redeemer School, PBR 05-05).

<table>
<thead>
<tr>
<th>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</th>
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<tbody>
<tr>
<td>Building Square Footage</td>
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<tr>
<td>----------------------------</td>
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<tr>
<td>Parking</td>
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<tr>
<td></td>
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<tr>
<td>Building Height</td>
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<tr>
<td></td>
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<tr>
<td>Impervious Coverage</td>
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<td></td>
</tr>
<tr>
<td>UDO Sections Relevant to Subject Request</td>
</tr>
<tr>
<td>(A) Chapter B, Article II, Section 2-1.5 (A) Institutional and Public district</td>
</tr>
<tr>
<td>(B) Chapter B, Article II, Section 2-5.21 Church or Religious Institution, Community</td>
</tr>
<tr>
<td>(C) Chapter B, Article II, Section 2-5.22 Church or Religious Institution, Neighborhood</td>
</tr>
<tr>
<td>(D) Chapter B, Article II, Section 2-5.68 School, Private</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies: Yes</td>
</tr>
<tr>
<td>(B) Environmental Ord. NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations NA</td>
</tr>
</tbody>
</table>

**Analysis of Site Plan Compliance with UDO Requirements**

The proposed site plan shows the retention of an existing single family home and the addition of nine parking spaces located in the rear yard. The proposed IP-S zoning would require a Type I buffer yard which is shown adjacent to the RS9 zoned property to the west and north. The proposed buffer yard width is 10'. The petitioner would need to apply for a buffer yard encroachment variance in order to keep the existing rip rap outlet pad and the garage within said buffer yard. Otherwise, the site plan complies with the requirements of the UDO.

**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 request is consistent with the purpose statement of the proposed IP district.</td>
<td>The request would permit a small expansion of institutional zoning into a single family residential neighborhood.</td>
</tr>
<tr>
<td>The request would provide for an appropriate transitional use between residential and nonresidential uses.</td>
<td></td>
</tr>
<tr>
<td>The request proposes to retain the existing home which is a contributing property within the Ardmore National Register Historic District.</td>
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</tr>
</tbody>
</table>
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 ANY PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
  b. Developer shall obtain an approved bufferyard variance from the Winston-Salem Zoning Board of Adjustment for the existing garage and rip rap outlet pad.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.
  b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

- **OTHER REQUIREMENTS:**
  a. The existing principal structure located on Tax PIN# 6825-30-5395 shall be retained in the original, existing location on the site. The buildings shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by the Historical Resources Staff of the CCPB.
  b. As volunteered by the petitioner: If the church ever sells PIN# 6825-30-5395, or if the existing home located on said PIN# is removed, the parking lot shall be removed and the backyard be restored to its original condition. [Note: Staff recommends adding a time limit of six (6) months to further clarify when these modifications would be complete.]

**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.
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3184
JUNE 13, 2013

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Rob Alexander, 1046 Miller Street, Winston-Salem, NC 27103
- We have the full intention of being a neighborhood church.
- As our congregation has aged we find we need more parking, especially handicapped parking, as well as access to the building. This is the primary lot for that purpose.
- The subject driveway is a 10’ driveway and we want to see that expanded to 20’. This will increase safety.

Wayne Barber, 4720 Kester Mill Road, Winston-Salem, NC 27103
- I’m with Allied Design and we did the site plan.
- We worked with staff and the church to get the best plan possible to provide more parking for handicapped individuals and make the driveway safe.
- We met with the Ardmore Neighborhood Association on May 9th. Their main concern was to keep the house which the church has agreed to and the church will maintain it.
- If at any time the lot is sold, the parking area will be changed back to original standards.
- The church has agreed to all conditions recommended by staff.

AGAINST:

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103
- I have a lot of questions. If they were answered adequately I could perhaps be in support rather than in opposition to this.
- We have a lot of stormwater runoff problems from institutions in Ardmore.
- I’m concerned about curb cuts because there is a lot of infiltration that can happen off the back of that lot.
- Where does all this water go and what other properties around this will be impacted?
- I appreciate the thought to retain the house.
- The garage is an older one, standard in Ardmore. Should the garage come down, I am concerned about the whether the bufferyard would be required to be extended there.
• I'm also concerned about how narrow the sideyard is where they're planning on putting the buffer. This very narrow driveway serves two houses. Is there a realistic buffer which can be put there and not interfere with the driveway access to the other house?
• I also know they are going to take one gorgeous canopy tree.
• There is already a precedent in the area for denying institutional plans because a bufferyard could not be met.

**WORK SESSION**

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

Whether or not the garage would be required to be removed would be up to the Zoning Board of Adjustment.

The petitioner was asked if their intent is to take the garage down or try to get a variance for the bufferyard? At this time they would like to leave the garage as it is and ask for a variance. If the Zoning Board of Adjustment grants a variance, they can put a condition on the approval which requires a buffer to be extended if the garage is removed.

Staff checked with Joe Fogarty from the City Stormwater Department today and this does not exceed the grading or size of impervious surface coverage thresholds which would trigger stormwater requirements. Putting in curbing can concentrate stormwater. It doesn’t necessarily increase stormwater. Putting swales around the driveway would possibly involve more grading.

Wayne Barber explained that water on the site currently flows to the area where the rip-rap is shown and where an existing storm drain is located.

The petitioner agrees with addition the condition that if the church were ever not to use this house and it were to be returned to residential use, the parking lot would be taken away and restored back to a yard.

Barry Lyons noted that he is still not satisfied with the stormwater situation. Ardmore has had a lot of institutional encroachment and it is a National Register Historic District.

Paul Mullican explained that he supports the motion because the water is going the same place it was before and the increase will be minimal. In addition, our system is set up to handle this type of situation which is not even big enough to trigger the requirements. I trust that system.

Brenda Smith noted that there is already a stormwater catch basin at the point where the water will be directed.
MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions and the additional condition that if the church were ever not to use this house and it were to be returned to residential use, the parking lot would be taken away and restored back to a yard) meets all code requirements if the petition is approved.
SECOND: Paul Mullican
VOTE:
    FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST: Barry Lyons
    EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
EXISTING RS9 USES ALLOWED
City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Church or Religious Institution, Community
Golf Course
Library, Public
Limited Campus Uses
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Bed and Breakfast
Child Day Care, Large Home
Habilitation Facility A
Landfill, Land Clearing/Inert Debris
Manufactured Home, Class A
Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
W-3184, Appendix B

The following is correspondence between Julie Magness and city staff addressing Ms. Magness’ questions and concerns related to W-3184.

From: Joe Fogarty  
Sent: Friday, June 14, 2013 5:17 PM  
To: Julie Magness; Aaron King  
Cc: Gary Roberts; Dan Besse; Fred Holbrook  
Subject: RE: Redeemer Church

Ms. Magness,

There’s a lot to respond to in your e-mail so I will try to answer each of the questions you raised regarding stormwater issues in a step by step manner. Please refer to the body of your own e-mail and my answers are highlighted in red and in italic font after each topic you raised.

Please note that I visited the property and all surrounding properties this morning to ascertain the drainage system in the area. I'm not sure if you are aware or not, but the City only maintains drainage systems within the public right of way or that are located on city owned property. All drainage pipes and structures located on private property are considered private drainage systems and are the responsibility of the private owner to maintain. The city therefore does not have accurate records of private drainage systems in a lot of cases and for the system you refer to no information was available from our GIS system. The last section of pipe that our GIS system shows is the 15" pipe that comes from the east side of Melrose Street and goes in a northeast direction towards the tennis courts as shown on the aerial photo attachment (Attachment #1) to this e-mail. Based on this lack of information I therefore visited the site and "scouted" the system myself and am pretty confident that what I have depicted in Attachment #1 is an accurate reflection of what exists out there and how the drainage system is set out. Please refer to this Attachment #1 and other referenced attachments as you read through my e-mail responses to your questions raised.

Should you still have any further questions I would be happy to meet with you at the property and go over any issues in the field regarding stormwater that require further explanation. However, please again bear in mind that due to post construction stormwater management ordinance exemptions, I have no authority to comment or enforce any regulations on this development when it comes to stormwater runoff issues.

Sincerely,

JOE FOGARTY PE

Stormwater Engineer  
Stormwater Division,
From: Julie Magness [mailto:JMagness@riad.rr.com]
Sent: Friday, June 14, 2013 3:43 AM
To: Aaron King; Joe Fogarty
Cc: Gary Roberts; Dan Besse; Fred Holbrook
Subject: Re: Redeemer Church

I do realize that curbs don't increase the amount of run off and that curbs just channel the water. Channelled water can be destructive. (I'm not the engineer for this project and as mentioned cannot enforce any regulations as none apply from a stormwater management ordinance perspective. However, I'm positive that the purpose of the rip-rap pad is to dissipate any potential energy built up from the curb channelization so as to be non-destructive/non erosive at the outlet. These pads are designed for this specific purpose. Therefore the engineer appears to have taken into account the potential to address any erosive affect by providing this pad and thus alleviate this possibility. I believe the amount of runoff that will ultimately come to this point will be extremely minimal anyway (see further comments below for explanation of this) and so if anything the rip-rap pad may be an "over engineered" provision.)

I am very confused by the site plan presented at the PB today. While not on the site plan, a city storm catch basin was mentioned. The iron grate can been seen in the yard behind the property. The rip rap on the plan will direct water to the catch basin. Do you have a map of this catch basin so that I can see where the water goes after leaving there? (I was not at the meeting myself so I'm not sure what the "city storm catch basin" you refer to is, or where it is located, myself. I do know that the nearest downstream city maintained drainage structure is located immediately adjacent to the tennis courts on the north side of the courts. This is shown on Attachment #1 and is labeled as "1-1Y1" or yard inlet. Everything between that and upstream to the church parking lot expansion is considered private as I explained above and is not city maintained stormwater infrastructure. Thus, the catch basin that you refer to that the rip rap area will direct runoff to is a private catch basin or in fact is a grated inlet to be precise per my field visit observations and not a city maintained structure. Whomever referred to this as a "city storm catch basin" was mistaken and that is incorrect.) At what location does it leave pipe? (Attachment #1 shows what I believe from my field observations and reconnaissance to be the drainage system all the way to Melrose Street. All of the runoff in this area is therefore piped. The runoff leaves the piped system between 1054 and 1062 Melrose Street as shown in Attachment #2 at which point it enters Ardmore School Branch tributary.) Does it connect to the system that runs through the back yards on Ebert? (Yes - the drainage from this entire area depicted ultimately ends up crossing Ebert Street and continues southwest towards Cherokee Lane and beyond.) When a catch basin is on private property what is the city's responsibility for both the basin and
whatever conduit continues the water to where ever, city right of way, etc.? (As mentioned earlier the city does not have any responsibility for inspection or maintenance of drainage infrastructure (inlets, piping, swales etc.) located on private property.) Has the city inspected this catch basin to know what condition it is in? (Again, as it is on private property the city does not routinely inspect private drainage structures or systems. However, if a property owner or citizen requests us to do so, we can assess the condition of any private system on their behalf for structural or drainage deficiencies etc. and inform/advise them what, if anything, can be done to address a given problem. I should note that the grated inlet that will receive runoff from the rip-rapped area appears to be structurally sound and not clogged with debris or any other type of obstruction to flow. However, I should point out that private systems and especially older systems such as this one were typically not built to reflect today's city standards for say drainage specifications within the right of way. But saying that all structures appear to be in good shape from my field observations with the exception of one. This is the structure noted as a yard inlet "2-YI" on Attachment #1. Upon inspection I found the slab over this structure to be almost completely covered with dirt and therefore not capable of receiving any flow through its weirs. However, I should also note that again this is a private structure and is also upstream of the flow from the church proposals and therefore will not come into play when considering the flow from the church proposals.) It seems like this might be one of those circumstances that little is known about due to location and could yield some surprises. (I didn't note anything unusual or surprising with the drainage system that I noted in Attachment #1. It is very similar to hundreds of other private drainage systems throughout the city and I saw no evidence of deficiencies whether structural or capacity wise.)

I actually walked the lot today.

The topography does slope mostly towards the church. I don't have a clear picture of the grading they will be doing to install rip rap (there is none there now) that will handle water towards the catch basin. (I can only comment based on the plan that was submitted for re-zoning as I have had not any other grading plan to go off. However, from the proposed grades that are shown it appears the grading will be very minimal and the rip-rap pad will be constructed pretty much at existing grade. I'm guessing, as is usual in these kinds of situations, that the rip-rap will be "keyed" into the existing grade so that the top of the rip-rap will match the surrounding grade on all sides.) It looks like they have a water problem at the back end of the church drive. (I did not notice any water problems at this location so I can't confirm this. The area was dry when I visited it and I saw no evidence of "rack lines" where water may have built up on any structure or any evidence of surcharging of any of the inlets in this area.) Perhaps it drains through a pipe to that same catch basin. (Based on the topography from our GIS system, which I have shown and referred to/labeled in Attachment #3, and from what I observed at the property, the area at the back of the church does not drain to this basin. In fact if you refer to Attachment #4 which I have also provided here in this e-mail and which is a copy of a section of the re-zoning plan, even the majority of the proposed parking lot will drain away from this basin and the rip-rap area. Refer to the arrows I've inserted on this attachment which show the pattern of water flow based on the proposed grades. This
would suggest that very little runoff will in fact be outletted through the rip-rap pad area and the only runoff coming to that point appears to be from what the most northerly portion of curb and gutter collects. Also, I observed no pipe entering the grated inlet basin from the south side, which means no runoff is piped from the church back up into this basin as your question had asked. The depth of the basin also would not make this possible based on the drop off in grade where the church building is located.) If I am seeing that correctly, they will be doubling the amount of impervious surface by widening the driveway and thus doubling the amount of water draining from the drive to the basin. (Again, please refer to Attachment #4. The green line shown reflects the approximate location of the existing driveway edge and parking area and everything north of that line is the proposed expansion. Calculation of the rate of water runoff is not based on a linear regression or progression, where doubling the amount of impervious area equates to a doubling in the rate of runoff. Runoff rates have to be calculated based on a number of published and accepted Civil Engineering criteria. I have approximately scaled the amount of new impervious area from the plan and it would appear to be in the region of 1,600 sq.ft. Using the Rational Method of calculating runoff rates, I calculated a pre developed rate of 0.05 cfs (cubic feet per second) coming from this area based on the existing pervious ground cover and 0.24 cfs in the proposed condition based on the asphalt/impervious ground cover - please note that this rate is based on the 10 year storm event of 6 hour duration. This actually represents an increase of 4.8 times the runoff from the pre to post condition which may appear alarming. However, in terms of the amount, or rate of runoff, the proposed layout rate is still very insubstantial or virtually insignificant and certainly not enough to cause a flooding or drainage issue in terms of downstream adverse impacts based on my engineering experience. This, also bear in mind, is the calculation for the 10 year design event and so the more frequent storm events such as the one and two year storms will even see a much lower rate than this. Also, as explained in my prior comments, based on the grading shown on the plan most of this runoff will be directed away from the grated basin with only the most northerly curb and gutter section draining through the rip-rap pad.) The topography is such that most not all of the increased water run-off will go toward the back of the lot and not out to the street. (Not sure if you are referring to the back of the church lot or the back of the lot where the first grated inlet downstream of the rip-rap pad is. If you mean the back of the church lot, then yes, this is a correct statement as most of the runoff as explained in prior comments will drain back towards the church and ultimately towards the parking lot area where it gets collected in the drainage system that ultimately goes under the tennis courts etc. If you are referring to the back of the residential lot with the grated inlet, then this is not a correct statement as I have previously explained in earlier comments, which show that the majority of the runoff from the proposed parking area does not make it to this inlet and thus will not make it to the back of the lot.) Combined with the parking lot, still under the threshold for storm water management I am sure. But raises questions of how big the catch basin is, what the condition is, and where the water goes once leaving the catch basin? Is there any chance this runs under the city tennis courts that have recently been resurfaced? (Yes, as shown in Attachment #1 the drainage ultimately goes under the tennis courts. As stated earlier, the catch basin, or grated inlet (I'm guessing again that this is the grated basin immediately downstream of the rip-rap
area that you are referring to), is in good structural condition and free of debris and obstructions based on my field observations. The basin is not a large basin but I see no evidence of surcharging having been a problem in the past and as also stated previously, private systems are not always designed to the same design criteria as systems that are placed in the public right of way and especially so with older systems such as this one.)

Thank you for any details you can provide on the city storm water system at this location.

The following is for Aaron and Gary. There simply is no pervious side yard from the street to the house. I do not know if the shared driveway is on the property requested to be zoned IP or if it is split or if most belongs to the home next door. All is possible in Ardmore. Any buffer yard would actually have to be planted in front of the house. Even if the drive is completely on the property of the house to be rezoned and it is ripped up to create a buffer, there is only about 6 feet and then the remaining buffer would be in the front of the house. Ripping out the driveway to create true side yard seems to be a much bigger can of worms as it would eliminate any possible access to the garage of the adjacent home. I doubt this house has 15 feet of combined side yards and certainly not 15 where the site plan shows proposed buffer. Once you get to the house, there is about 3 feet of pervious surface between the house and the drive. It is already planted with large bushes. Combined with the driveway width this is only about 9-10 feet of sideyard. The only place there is feasible buffer is behind the garage. This is currently naturalized.

So the proposed plan that was passed today does not even closely resemble what would be requested to the ZBA. While the ZBA can specify what might be waived, it would seem that the City Council’s time should not be wasted prior with a site plan request that does not match what actually exists. I am sure that Fred would catch this, but is shouldn’t get that far.

There will be two trees removed and possibly a third depending on the size of the parking pad. The root system of the third will certainly be compromised. The first is a dogwood that is already dying; I feel sure that its location in the middle of the current gravel pad has something to do with its obviously poor health. The second is a weeping cherry that seems to be in excellent health. The third is an oak tree that provides canopy for three lots. It also appears to be in good health.

The claim that they need more handicapped parking is ingenuous. They have two designated spaces right next to the church building. There are 9 more spaces that could be designated as handicapped parking. These parking spaces are flat and easy to navigate. The proposed lot that already loosely exists involves a slope and more steps to access the building. Not where handicapped parking would logically be located. While they may desire more parking close to their main entrance, this proposed repaving is not handicapped parking friendly unless they do a significant grade cut to be level with church driveway and this would certainly kill the oak tree.
This once again raises the question of how much parking is actually needed for churches vs. what the ordinance requires and the impacts/burdens on the surrounding residential.

Has any one talked to the adjacent property owners? It was not even mentioned that they had been spoken to. The rezoning sign is on Miller St. when, in fact, properties impacted by buffer and potential storm drain issue from increased water run-off are on Melrose.

The water run-off may be very easily handled by existing infra-structure. But is just looks like this an unknown hidden storm water system that might be greatly surprised by the additional water and velocity the curbing will cause. I repeat that this is not just run-off from 9 spaces but from doubling the width of the church driveway. Where does this water go and who is going to be surprised as they didn't know about the catch basin hidden at the very back of a lot behind a barn/outbuilding?

The house is already being used as a non-conforming IP use and the buffer yard cannot be met without drawing attention to the non-conforming use many currently don't realize exists. Meeting the buffer requirements behind the garage will expose this proposed lot more than leaving the existing naturalized vegetation. That waiver, however, would provide not protections for the future. Granting a buffer yard variance for this use is an invitation for churches to expand use into homes with the expectation that they will not have to provide buffer as they intensify the use. It is a very slippery slope. Will schools then be allowed to ignore buffer yards? This is a school as well as a church so the precedent for waiving IP buffers for schools might be argued as well.

This request raises many questions. I think that this site plan is one that the city needs to go out and inspect for accuracy.

Thank you.
Julie Magness
630 Fenimore Street

On 13 Jun 2013 at 11:57, Joe Fogarty wrote:

Julie,

Just to clarify: Curbs don't exactly "increase" the amount of runoff as these are the collection devices for the runoff from the adjoining pavement usually. The increases in runoff come from the additional impervious area cover (of which the curb section itself is just a very small fraction of that amount) with any given project throughout the whole project. I'm guessing however that
you were thinking along the lines of the curbs "concentrating" stormwater flows more so than a vegetated swale for instance, which allows for some infiltration, or say a sheet flow pattern from the impervious pavement surface without a curb at the edge of the pavement and which would spread the runoff out more evenly rather than letting it discharge at one specific point. This latter situation however would require a lot to be graded in a uniform manner and also require that the area on the downstream side (adjacent lots) are relatively uniformly graded in their existing state so that re-concentration of this sheet flow runoff does not occur.

The Stormwater division also recommends not creating curbs in any development and we agree with you on that issue. However, we unfortunately cannot enforce any such regulations on a development as it is not specifically stated in any ordinance. Our Post Construction Stormwater Management Ordinance does state that vegetative conveyances should be used to the "maximum extent practicable". However, this project will be exempt from this ordinance due to its small size...projects that disturb less than 1 acre during construction are exempt from the water quality provisions of the ordinance and projects that create less than 20,000 sq.ft. of new impervious area are exempt from the water quantity provisions of the ordinance. This project will meet both of these exemptions and thus be exempt from the ordinance in its entirety. This is why I stated that in my first e-mail that stormwater management would not be a requirement and that I had no comments on the development. The exemptions that this project meets takes away any authority for me to enforce provisions of our post construction ordinance which include encouraging or advising the use of these vegetative conveyances.

Sincerely,

JOE FOGARTY PE
Stormwater Engineer
Stormwater Division,
City of Winston-Salem, N.C.
Tel: (336) 747-6961
E-mail: josephf@cityofws.org

From: Julie Magness [mailto:JMaggness@triad.rr.com]
Sent: Wednesday, June 12, 2013 10:52 PM
To: Aaron King; Joe Fogarty
Subject: Re: Redeemer Church

Thank you Joe.
Curbs have a strong tendency to increase the amount of water run-off to a specific area. While I understand they are not creating enough impervious surface to trigger storm water management, I am strongly against creating curbs and that channel water in a residential area.
Aaron,
This is a very small lot that shares a driveway with the house next door. Currently, the back yards are very private due to heavy vegetation. It looks like a mature shade tree will be lost in addition to the need for a buffer variance. This looks like a dangerous domino waiting to fall.

I will be at the PB meeting to speak for the WSNA about UDO 240. We did not have the on the ground information concerning the Redeemer request so no official comment there, but I will be speaking independently.
Thank you
Julie

On 3 Jun 2013 at 13:26, Joe Fogarty wrote:

Stormwater management will not be a requirement on this rezoning case and so I have no comments per say on it. The rip-rap pad was put in probably by the choice of the design engineer and not based on any requirement from me. The rip-rap pad is used for stormwater flows. They are used to dissipate the energy and velocity of the stormwater flows that come out of pipes or curb cuts etc. so that no erosion of the ground below it is experienced. It appears from the plan attached below that it will be used at the curb cut which is where the stormwater will outlet.

Hope this answers your question.

JOE FOGARTY PE

Stormwater Engineer
Stormwater Division,
City of Winston-Salem, N.C.
Tel: (336) 747-6961
E-mail: josephf@cityofws.org

From: Aaron King
Sent: Monday, June 03, 2013 9:01 AM
To: Julie Magness
Cc: Joe Fogarty
Subject: RE: Redeemer Church
Julie-
I think your assumption is correct, but I’ve copied Joe Fogarty with our Stormwater Department just to confirm.

Thanks,
AK

Aaron King
Principal Planner
City/County Planning Department
100 E. First Street, Suite 225
Winston-Salem, NC 27101
336-747-7068 (Phone)
336-748-3163 (Fax)
www.cityofws.org/planning

Planning Together
for a better community

From: Julie Magness [mailto:JMappiness@triad.rr.com]
Sent: Sunday, June 02, 2013 8:01 PM
To: Aaron King
Subject: Re: Redeemer Church

Thanks Aaron. I got a new monitor and can see the whole picture now. What is the rip rap outlet pad? Is this for water run-off? Thanks.
Julie

On 29 May 2013 at 11:44, Aaron King wrote:

Julie-
See if this helps-
Thanks Aaron,
Perhaps I am not blowing up the plan large enough on my monitor (limited right now as mine crashed) but I see the existing church drive, but don’t see that it connects to this lot and don’t see the new connection in the plan?
Julie

On 28 May 2013 at 11:39, Aaron King wrote:

> Julie-
> They are asking to rezone the house where the sign is located to IP-S (Institutional/Public) in order to expand parking for the church onto this site (see attached site plan). They would still retain the existing house but would have nine parking spaces located behind it and the new parking spaces would be served by the existing church driveway. Take a look at the attached plan and if you have any questions, please feel free to give me a call.

> Thanks,
> AK

> Aaron King
> Principal Planner
> City/County Planning Department
> 100 E. First Street, Suite 225
> Winston-Salem, NC 27101
> 336-747-7068 (Phone)
> 336-748-3163 (Fax)
> www.cityofws.org/planning


> ----Original Message-----
> From: Julie Magness [mailto:JManness@triad.rr.com]
> Sent: Sunday, May 26, 2013 3:10 PM
> To: Aaron King
> Subject: Redeemer Church
>
> What can you tell me about the rezoning request?
> Thank you.
>
> Julie Magness
> 630 Fenimore Street
> Winston-Salem, NC 27103
> 336-682-5861
## INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: W-3184

### PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

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<th>PROJECT TITLE:</th>
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<tr>
<td>PROJECT DESCRIPTION:</td>
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<th>NCDOT- Phone #</th>
<th>336.747.7900</th>
<th>Email: <a href="mailto:skjones@ncdot.gov">skjones@ncdot.gov</a></th>
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<th>Email: <a href="mailto:conniee@cityofws.org">conniee@cityofws.org</a></th>
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<th>City Engineer- Phone #</th>
<th>336.747.6846</th>
<th>Email: <a href="mailto:albertcg@cityofws.org">albertcg@cityofws.org</a></th>
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<tbody>
<tr>
<td>&quot;Driveway permit req'd. Concrete apron req'd. ADA ramps req'd. Turn granite curb into City of Winston Salem. Repair sidewalk as needed&quot; (per email from Al Gaskill)</td>
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<tr>
<th>City Streets Division- Phone #</th>
<th>336.734.1550</th>
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<th>Inspections (Zoning)- Phone #</th>
<th>336.727.2626</th>
<th>Email: <a href="mailto:jeffv@cityofws.org">jeffv@cityofws.org</a></th>
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<tr>
<td>&quot;Type I buffer required adjacent to asphalt in proposed parking lot. Will require variance of buffer from WSZBOA for existing garage and rip rap outlet pad.&quot; (per email from Jeff Vaughn)</td>
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<th>Email: <a href="mailto:matthewo@cityofws.org">matthewo@cityofws.org</a></th>
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<td>&quot;An Environmental Grading and Erosion Control permit will be required if more than 10,000 sq. ft. of area is disturbed during construction. An Erosion and Sediment Control Plan should be submitted for review at least 30 days prior to the intended start date of construction.&quot; (per email from Matthew Osborne)</td>
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INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3184

Stormwater Division- Phone # - 336.747.6961 Email: josephp@cityofws.org
No comment

[Signature]

Fire (City)- Phone # - 336.734.1290 Email: douglasc@cityofwsfire.org
“Need a 20-foot entrance. Need approved turnaround”
(per email from Doug Coble)

[Signature]

Utilities- Phone # - 336.747.7499 Email: mikep@cityofws.org
No comment

[Signature]

Sanitation- Phone # - 336.748.3080 Email: randallb@cityofws.org
“Bulk container is the trash collection system for this property. Descriptions w/restrictions are found in
Chapter 26 - Garbage & Trash, Code of Ordinances Part III, Section 3. Bulk containers shall be located so as
to provide easy ingress and egress by a container tender truck to the containers. The location of the container
shall be free from any overhanging wires or other obstructions which have less than 35 feet of vertical
clearance and 40 feet linear clearance of overhead obstruction in the dumping area. All screens or enclosures
shall be open on one side for easy access and provide a three-foot clearance on all sides from the bulk
container. Please consider participating in a Commercial Recycling Program given recycling in Winston-
Salem is a voluntary program.”
(per email from Randy Britton)

[Signature]

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
“Condition for house to remain and be maintained, is there a dumpster on the church property to the south-
makes sure it meets 50’ setback.”
(per email from Aaron King)

[Signature]

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
“No addressing or street naming concerns.”
(per email from Ben Stamey)

[Signature]
The proposed zoning map amendment from RS9 (Residential, Single Family; 9,000 sf minimum lot size) to IP-S (Institutional and Public Use - special use district) with its added conditions is consistent with the Legacy Comprehensive Plan, and slightly inconsistent with the Southwest Winston-Salem Area Plan; however, approval of the request is reasonable and in the public interest because:

1. The request is consistent with the purpose statement of the proposed IP District; and

2. The request would provide for an appropriate transitional use between residential and nonresidential uses; and

3. The request proposes to retain the existing home which is a contributing property within the Ardmore National Register Historic District.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3184
(REDEEMER PRESBYTERIAN CHURCH)

While the proposed zoning map amendment from RS9 (Residential, Single Family; 9,000 sf minimum lot size) to IP-S (Institutional and Public Use - special use district) with its added conditions is consistent with the Legacy Comprehensive Plan, denial of the request is reasonable and in the public interest because the request would permit expansion, albeit small, of institutional zoning into a single family residential neighborhood.