DOCKET #: W3079

PROPOSED ZONING:
Special Use Permit for the expansion of Institutional Parking

EXISTING ZONING:
RS9

PETITIONER:
Twin City Baptist Church for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRES: 7.26

NEAREST BLDG: 7' north

MAP(S): 618846
November 23, 2010

Twin City Baptist Church
C/O John M. Fuller, AIA
68 Court Square, Suite 200
Mocksville, NC 27028

RE: ZONING MAP AMENDMENT W-3079

Dear Mr. Fuller:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

PC: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Lonnie F. Clark, 1212 Watson Avenue, Winston-Salem, NC 27103
ACTION REQUEST FORM

DATE: November 23, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of Twin City Baptist Church

SUMMARY OF INFORMATION:

Special Use Permit of Twin City Baptist Church for the expansion of institutional parking in a residential zoning district: property is located on the east side of Ebert Street, across from Boone Avenue (Zoning Docket W-3079).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Twin City Baptist Church,
Docket W-3079

AN ORDINANCE ISSUING A SPECIAL USE
PERMIT FOR THE EXPANSION OF INSTITUTIONAL
PARKING IN A RESIDENTIAL ZONING DISTRICT

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The City Council hereby makes an affirmative finding as follows, based upon
the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located
where proposed and developed according to the application and plan as submitted
and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting
property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the
application and plan submitted and approved, will be in harmony with the area in
which it is to be located and in general conformity with Legacy.

Section 2. The Winston-Salem City Council hereby issues a special use permit for the
expansion of institutional parking in a residential zoning district in accordance with Section 6-1.5
of the Zoning Ordinance of the Unified Development Ordinances to Twin City Baptist Church
to be established on the following described property:

PIN #s 6824-27-6680, 7789, and 7982

Section 3. This Ordinance is adopted after approval of the site plan entitled Twin City
Baptist Church and identified as Attachment "A" of the Special Use Permit issued by the City
Council the ______ day of __________________, to Twin City Baptist Church

Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant
to Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances for a
development to be known as Twin City Baptist Church. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE PERMIT

SPECIAL USE PERMIT

Issued by the City Council
doing the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Permit for the site shown on the site plan map included in this zoning petition of Twin City Baptist Church, (Zoning Docket W-3079). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for the expansion of institutional parking in a residential zoning district, approved by the Winston-Salem City Council the ______ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances, and other applicable laws, and the following additional conditions be met:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements for Phase I include:
     • ROW dedication 35’ from centerline of Ebert Street.
     • Widen 18’ from centerline with curb and gutter and sidewalks.
     • Developer shall be required to obtain driveway permits for Phases II and III as depicted on the site plan. Improvements (widening, turn lanes, curb and gutter, and sidewalks) for phases II and III shall be phased in accordance with WSDOT.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install all requirements of the WSDOT driveway permit.
  b. Developer shall repair any damage from construction to Ebert Street to the requirements of the Public Works Department.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3079</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Twin City Baptist Church</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #s 6824-27-6680, 7789, and 7982</td>
</tr>
<tr>
<td>Address</td>
<td>1337 Ebert Street</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Permit for the expansion of institutional parking in a residential zoning district (RS-9). Approval of a Special Use Permit depends upon an affirmative finding of the Findings of Fact as found in the Other Applicable Plans and Planning Issues section below.</td>
</tr>
<tr>
<td>Neighborhood Contact/Meeting</td>
<td>The petitioner stated that during the last six months they have been in regular contact with Lonnie Clark, president of the Ardmore Neighborhood Association, regarding the church building project. The pastor attended the Ardmore Neighborhood Association quarterly meeting on October 12 to share their vision and answer any questions that members of the association may have regarding the possible expansion project. Letters to 25 of the closest neighbors (all of the homes in Miller’s Crossing and most of the homes on Ebert between Silas Creek Parkway and Cherokee Lane) were hand delivered. The pastor also e-mailed the letter to Lonnie Clark (president of Ardmore Neighborhood Association) and Sarah Hahne (also on the board of the Ardmore Neighborhood Association) so that they could email the letter to all the members of the Ardmore Neighborhood Association. He estimates there were about 15 people who attended the meeting on 10-21-10.</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Ebert Street, across from Boone Avenue</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>± 7.26 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Neighborhood scale church.</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>West</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
</tbody>
</table>

| Physical Characteristics | The site has a gentle slope downward to the southeast. A large wooded area along the eastern property line is shown on the site plan to remain. |
| 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 within a water supply watershed.

### Analysis of General Site Information
The site has no apparent constraints and appears to be suitable for the proposed parking and building expansion.

### 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>Ebert Street</td>
<td>Minor Thoroughfare</td>
<td>545’</td>
<td>5,200</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
Three existing gravel drives will be removed. The one-way entrance on the northern portion of the site will remain. Two full access points onto Ebert Street are proposed in the mid and southern section of the site.

**Comprehensive Transportation Plan Information**
Ebert Street is recognized as a Minor Thoroughfare in the Comprehensive Transportation Plan. The recommended cross-section includes three lanes with curb and gutter, wide outside lanes, and sidewalks.

**Trip Generation - Existing/Proposed**
The expansion of parking will not in itself generate more traffic. The trip generation is determined by the number of seats in the sanctuary.

**Sidewalks**
There are no sidewalks located in the general area; however, sidewalks are required along Ebert Street and are shown on the proposed site plan.

**Transit**
Route 23 runs along Silas Creek Parkway ±600’ to the south.

**Analysis of Site Access and Transportation Information**
The proposed Special Use Permit request triggers improvements along the Ebert Street frontage in accordance with the Comprehensive Transportation Plan. These improvements include: right-of-way dedication; along with widening, curb and gutter and sidewalks.

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
Growth Management Area 2 – Urban Neighborhoods

**Relevant Legacy Recommendations**
- *Legacy* recommends that expansions of existing places of worship should be done in a manner that is generally compatible with surrounding uses.

**Relevant Area Plan(s)**
*Southwest Winston-Salem Area Plan (SWAP), 2008*

**Area Plan Recommendations**
- The northern half of the subject property is recognized as Institutional by the *SWAP*. Several options exist for the southern half of the subject property: It could be developed in conjunction with the tract of land to the south as a continuation of residential development along Ebert Street (as proposed in the *SWAP*). It could be developed with duplex, quadraplex, small footprint townhouse, or clustered single-family development up to 8 units per acre. The site could also be developed as a retirement community (in conjunction with the property further south). Alternatively, the site could be developed as an RS-9 PRD. In any case, the nonconforming commercial building on site should not be rezoned to a commercial zoning district.
- Existing institutions should be permitted to grow and expand in certain circumstances in a manner that is compatible with the surrounding neighborhoods.

### Other Applicable Plans and Planning Issues

For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:

**Planning Board Findings:**

1. The development is in conformity with Legacy. *(Yes)*
2. Water and sewer service are available in adequate capacity. *(Yes)*
3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. *(No buildings are proposed)*
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. *(Yes)*
5. General layout and design of the development meet all requirements of this Ordinance. *(Yes)*
6. Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). *(Yes)*
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. *(See “SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL” section below)*

The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

**Elected Body Findings:**

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. *(Yes)*
2. That the use meets all required conditions and specifications. *(Yes)*
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, *(Yes)*
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy. *(Yes)*

### Addressing

There are no address numbering or street naming concerns.
(R)(3) - Have changing conditions substantially affected the area in the petition?
No

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

**Analysis of Conformity to Plans and Planning Issues**
The expansion of institutional parking in residential districts requires the approval of a Special Use Permit which involves the Findings of Fact as are noted above. Legacy recommends that expansions of existing places of worship be done in a manner that is generally compatible with the surrounding uses.

In order to provide additional protection to the adjacent residential property, the petitioner has agreed to enhance the bufferyard along the northern and southern property lines and provide additional landscaping along the Ebert Street frontage to soften the impact on residents across the street.

**RELEVANT ZONING HISTORIES**
There are no relevant zoning cases in the vicinity of the subject property.

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>39,782 sq feet (all phases footprint only)</td>
<td>Central portion of the site</td>
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</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>150 spaces</td>
<td>246 spaces</td>
<td>Off-street, 90°</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40’</td>
<td>40’</td>
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</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60%</td>
<td>44.74%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Chapter B, Article II, Section 2-5.39 Parking, Off-Site for Institutional uses</td>
</tr>
<tr>
<td>• Chapter B, Article II, Section 2-5.22 Church or Religious Institution, Neighborhood</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:</td>
</tr>
<tr>
<td>(B) Environmental Ord.</td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
</tr>
</tbody>
</table>

**Analysis of Site Plan Compliance with UDO Requirements**
In addition to the expansion of parking, the proposed site plan includes future expansions to the sanctuary, education building and a new family life center. The revised 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 in conformance with the recommendations of Legacy.</td>
<td>Request would allow for the expansion of an institutional parking lot near single family homes.</td>
</tr>
<tr>
<td>The request meets the required findings for a Special Use Permit.</td>
<td></td>
</tr>
<tr>
<td>No zoning change is requested.</td>
<td></td>
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</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 GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements for Phase I include:
     - ROW dedication 35’ from centerline of Ebert Street.
     - Widen 18’ from centerline with curb and gutter and sidewalks.
     - Developer shall be required to obtain driveway permits for Phases II and III as depicted on the site plan. Improvements (widening, turn lanes, curb and gutter, and sidewalks) for phases II and III shall be phased in accordance with WSDOT.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall install all requirements of the WSDOT driveway permit.
  b. Developer shall repair any damage from construction to Ebert Street to the requirements of the Public Works Department.

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.
Gary Roberts presented the staff report.

**PUBLIC HEARING**

**FOR:**

Lonnie F. Clark, 1212 Watson Avenue, Winston-Salem, NC 27103

- I am Ardmore Neighborhood Association President.
- The church very nicely approached us quite a while ago. We appreciate their openness as do the neighbors surrounding them. We also appreciate their willingness to honor their neighbors’ needs.
- The neighbors near the educational building also appreciate the fact that it is a one-story building as people won’t be able to look down into their yards.
- The church is saying that they will attend closely to mosquito and stormwater control. That is important to them and their congregation as well.
- We’ve discussed the project with the neighbors in Millers Creek Crossing and left flyers along Ebert Street and I’ve had no contact with anybody from the Ebert Street side.
- The neighbors also appreciate that the church has been communicative with them. The only request they have is that as construction is going on that they are careful with noise mitigation. There are a number of residents who work swing shifts at hospitals and need to sleep during the day.
- We would hope that in the future they would continue to be careful with mitigation of noise in the playing fields to the rear again for the same reason.
- As for the plantings I did speak with the gentleman of concern and basically he does like the open view. His exact words were “I would feel like I was in jail if I had the very tall evergreens that you see and the trees.”
- Maybe a good compromise is to have that triggered by a building permit in the future because by then he might change his mind or put low plantings which would obstruct the headlights but not make him feel like there was total blockage. He said that basically he’s fine with the future plans and the parking lot would be adequate to him. I think he just really likes open space. That might mitigate some of the cost as well.
• The other thing we just want to put on the record is because this is a different situation than with some of the other church expansions in Ardmore, this church is not in the historic district. They are not as land-bound as some of the other churches.
• We are saddened to see the destruction of any historic home. Tiffany White who has a degree in Historic Preservation and is our historic preservationist recognized that the homes although historic did not have an individual significant historic identification the way that Ebert Farmhouse would.
• Taking down those homes was not as sad to us as taking down homes in the Historic District or Ebert Farm would be if someone chose to take that down. If I come here in the future and say we are not happy with the removal of a home, that’s what the difference is.

John Fuller, Fuller Architect, 154 Cherry Hill Road, Mocksville, NC 27028
• I just wanted to reiterate what Lonnie said about the adjoining property owner on the south side of the property. The church has tried to extend an open arm to everybody around the property to make sure that what they do is going to be satisfying to neighboring property owners. They’ve met several times with the folks on the south side. They really do not want to feel closed in. I can understand that.
• I think what we’ve done at this point is what the neighbors want at least for the people who are living there. I think they have lived there for quite a number of years and have a very good relationship with the church.

AGAINST: None

WORK SESSION

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

1. The adjoining property owner to the south does not want the opaque fence. Staff is looking ahead to future owners and recommends evergreen plantings and/or the opaque fence.

2. Clarence Lambe noted that the current site plan meets UDO requirements. He asked if there was an estimate of the cost for the additional screening which staff is requesting. Staff replied that such estimate has not been received.

3. In response to a question from Chairman King, staff explained that the proposed site plan shows the maximum footprint of desired parking for the church’s future plans as well as the current plans. If this site plan is approved, when the church decides to build the family life center they will not need to come back before the board for further review.

4. Lynne Mitchell asked for clarification about parking on the northern portion of the site. Gary Roberts reviewed the parking and traffic pattern. He noted that in response to some calls from adjoining property owners, the church has decreased the amount of parking in this area and has increased the buffer to a Type III.
5. Wesley Curtis asked if the adjoining property owners on the south said why they did not want the fence? Gary Roberts responded that apparently they enjoy the current view across the area to the church. Of course currently the parking lot is not there so it is a nice view right now.

6. Lynne Mitchell: It’s great to see how the faith institution has worked with the neighborhood and community.

MOTION: Paul Mullican moved approval of the Special Use Permit, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Allan Younger
AGAINST: None

_________________________
A. Paul Norby, FAICP
Director of Planning