DOCKET #: W3091 (continued from 2/10/11)

PROPOSED ZONING:
NB-L

EXISTING ZONING:
RS9

PETITIONER:
Forsyth Park Baptist Church for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.44

NEAREST BLDG: 60' west

MAP(S): 618846
March 23, 2011

Forsyth Park Baptist Church
c/o Mr. Wood, Mr. Naylor, and Mr. Knight, Trustees
1600 S. Hawthorne Road
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-3091

Dear Mr. Wood, Mr. Naylor, and Mr. Knight:

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
    Paul C. Shepard, 523 First Street, Winston-Salem, NC 27101
ACTION REQUEST FORM

DATE: March 23, 2011
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Forsyth Park Baptist Church

SUMMARY OF INFORMATION:

Zoning map amendment of Forsyth Park Baptist Church from RS9 to NB-L (Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood): property is located on the north side of Hawthorne Road, west of Bolton Street (Zoning Docket W-3091).

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-3091

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 NB-L (Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood) 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 known as Forsyth Park Baptist Church. 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.
CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED 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 Limited District Permit for the zoning petition of Forsyth Park Baptist Church, (Zoning Docket W-3091). 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, 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
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

<table>
<thead>
<tr>
<th>PETITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to NB-L (Neighborhood Business District). The petitioner is requesting the following uses:

- Retail Store; Offices; Services A [excluding the following Standard Industrial Classification (SIC) 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]; and Church or Religious Institution, Neighborhood

**Continuance History**

The request was continued from the February 10, 2011 Planning Board meeting to the March 10 meeting in order to convert the requested district from PB-L to NB-L.

**Neighborhood Contact/Meeting**

According to a fax sent by the petitioner’s attorney: “The Petitioner through its attorney met with the President of Ardmore Neighborhood Association, President Lonnie Clark, prior to filing the Zoning Petition. Later, as a result of e-mail correspondence with her, the Petitioner restricted the uses under the zoning classification. Finally, there was a meeting with the Ardmore Neighborhood Association Board on February 8, 2011 to answer all questions and the zoning request was changed from Pedestrian Business to Neighborhood Business. The Ardmore Neighborhood Association expressed its support of the rezoning request.”

**Zoning District Purpose Statement**

The NB District is primarily intended to accommodate very 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 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 Growth Management Areas 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Growth Area), and 5 (Rural Area).
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 developed with an existing, modest sized, commercial building which provides convenient services to the adjacent neighborhood.

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**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>
<tr>
<td>Current Land Use</td>
<td>The site is developed with a 4,142 square foot commercial building.</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>LO &amp; RS9</td>
<td>Single family homes &amp; church parking area</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>Offices</td>
</tr>
<tr>
<td>West</td>
<td>RS9</td>
<td>Pharmacy</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 service, retail and offices are compatible with the adjacent office, church and pharmacy uses.

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

**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 development within the proposed NB-L 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>Hawthorne Road</td>
<td>Minor Thoroughfare</td>
<td>120’</td>
<td>10,000</td>
<td>17,700</td>
</tr>
<tr>
<td>Unnamed alley</td>
<td>Unopened alley</td>
<td>120’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>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) is unknown.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

W-3091 March 2011 6
<table>
<thead>
<tr>
<th>Planned Road Improvements</th>
<th>The Comprehensive Transportation Plan recommends sidewalks along Hawthorne Road.</th>
</tr>
</thead>
</table>
| Trip Generation - Existing/Proposed | **Existing Zoning: RS9**  
.44 acre x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day  
**Proposed Zoning: NB-L**  
No trip rate is available for the proposed zoning which has no site plan. |
| Sidewalks | While there are sidewalks in the general area along both sides of Hawthorne Road, there is no 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 18 runs along Hawthorne Road. |
| Analysis of Site Access and Transportation Information | Staff does not anticipate any negative transportation impacts from this request. |

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 2 - Urban Neighborhoods</th>
</tr>
</thead>
</table>
| Relevant Legacy Recommendations | Infill and Redevelopment:  
- Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.  
- Permit services near where people live including places of worship and other institutions in a manner that is compatible with surrounding uses, and provide retail and service uses within walking and bicycling distance of neighborhoods. |
| Relevant Area Plan(s) | *Southwest Area Plan (2009)* |
| Area Plan Recommendations | The site is located in Area m (Maplewood Avenue and Lyndhurst Avenue Northeast of Forsyth Medical Center) on Map 6, Proposed Land Use Changes. Relevant recommendations are:  
- No expansion of nonresidential uses is recommended east of Bolton Street between Maplewood Avenue and Hawthorne Road.  
- The two non-conforming commercial buildings fronting on Hawthorne Road west of Bolton Street are not recommended for rezoning to a commercial zoning district. Redevelopment of these properties is recommended for small-scale office or an extension of the church to the east. The existing businesses can continue to operate under their nonconforming status.  
- If the Forsyth Park Baptist Church property at the intersection of Hawthorne Road and Bolton Street is redeveloped in the future, the Plan recommends small-scale office use for this property using the LO-S (Limited Office-Special Use) zoning district. |
There are no addressing or street naming concerns.

(R)(3) - Have changing conditions substantially affected the area in the petition?

Some of the existing businesses on the site are no longer nonconforming.

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

Yes

The request is to rezone a relatively small lot with an existing 4,142 sf commercial building, from RS9 to NB-L. The site has a long history of non residential use and the Southwest Area Plan notes that “the existing businesses can continue to operate under their nonconforming status.” It also recommends that properties in this area could be redeveloped for small-scale offices or to permit an extension of the adjacent church to the east.

While applying for a recent building permit, it was discovered that at least one of the existing businesses on-site does not have legal nonconforming status. The subject NB-L request would provide long term assurance of continued, small scale commercial and office use for the site.

The proposed NB District has many built-in limitations which make it an appropriate district for the subject property. These limitations include: site size; spacing from other NB Districts; maximum building square footages for some uses; and signage restrictions.

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-1597</td>
<td>R-4 to R1-S</td>
<td>Approved 8-7-89</td>
<td>Directly south</td>
<td>.59</td>
<td>Approval</td>
</tr>
<tr>
<td>W-991</td>
<td>R-4 to R1-L</td>
<td>Approved 12-6-82</td>
<td>150’ west</td>
<td>.22</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request is consistent with the purpose statement of the NB District.</td>
<td>The request is not completely consistent with the area plan recommendations.</td>
</tr>
<tr>
<td>The request would allow business uses to legally continue to operate in this commercial structure.</td>
<td></td>
</tr>
<tr>
<td>The modest scale of the existing building and limited uses are compatible with the surrounding development pattern.</td>
<td></td>
</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 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.
MOTION: Clarence Lambe moved approval of the zoning map amendment and recommends staff conditions.
SECOND: Wesley Curtis
VOTE:
    FOR: Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST: None
    EXCUSED: None

[Signature]
A. Paul Norby, FAICP
Director of Planning
EXISTING RS-9 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
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3091
(FORSYTH PARK BAPTIST CHURCH)

The proposed special use zoning map amendment from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to NB-L (Neighborhood Business District) with its added conditions, while not entirely consistent with the Legacy Comprehensive Plan and the Southwest Area Plan, is reasonable and in the public interest because:

1. The site has no apparent constraints and it appears suitable for development within the proposed NB-L District;

2. The request would allow business uses to legally continue to operate in this commercial structure;

3. The modest scale of the existing building and limited uses are compatible with the surrounding development pattern; and

4. The request is consistent with the purpose statement of the proposed NB-L District.