PROPOSED ZONING:
Tract 1, 3 CPO-S and Tract 2 LO-S

EXISTING ZONING:
RS9 and GB

PETITIONER:
Kimel park properties LLC and the Roman Catholic Diocese of Charlotte for property owned by Same

SCALE: 1" represents 400'
STAFF: Roberts
GMA: 3
ACRES: 16.25
NEAREST BLDG: 18' east
MAP(S): 612842
January 21, 2009

Kimel Park Properties, LLC
P. O. Box 1066
Lexington, NC  27292

RE:  ZONING MAP AMENDMENT W-3015

Dear Sirs

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
Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC, 1123 Church Street S, Charlotte, NC  28203
Doug Stimmel, 601 N. Trade Street, Winston-Salem, NC  27101-2916
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE</th>
<th>January 21, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte

**SUMMARY OF INFORMATION:**

Zoning map amendment of Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte from RS-9 and GB to CPO-S (Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Testing and Research lab; and Hospital or Health Center) and LO-S (Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; and Hospice and Palliative Care): property is located on the western Terminus of Hospice Lane, south of I-40 (Zoning Docket W-3015).

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION</td>
<td>CONFORMS TO THE REQUIREMENTS OF THE UDO</td>
</tr>
</tbody>
</table>
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte, Docket W-3015

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 RS-9 and GB to CPO-S (Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Testing and Research lab; and Hospital or Health Center) and LO-S (Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; and Hospice and Palliative Care) the zoning classification of the following described property:

PIN #s 6814-63-5903 and 6814-64-7436

Section 2. This Ordinance is adopted after approval of the site plan entitled Hospitality House of Winston-Salem and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20__ to Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte.

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 Hospitality House of Winston-Salem. 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 Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte, (Zoning Docket W-3015). 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 CPO-S (Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Testing and Research lab; and Hospital or Health Center) and LO-S (Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; and Hospice and Palliative Care), approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the CPO-S and LO-S zoning districts 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 GRADING PERMITS:**
  a. Developer shall cordon off 50% fill line and all areas shown on the site plan as wetland, stream buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO requirements.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
  c. 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.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.
b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Burke Creek as shown on site plan.

c. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

d. Remainder of Hospice Lane to be constructed to City of Winston-Salem standards and accepted for public maintenance by the City.
## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Kimel Park Properties, LLC and the Roman Catholic Church Diocese of Charlotte</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #s 6814-63-5903 and 6814-64-7436</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning</td>
</tr>
</tbody>
</table>

### Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential, Single Family District; 9,000 sf minimum lot size) and GB (General Business District) to CPO-S (Corporate Park Office District) and LO-S (Limited Office District). The petitioner is requesting the following uses:

- CPO-S (Tracts 1 & 3) - Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Testing and Research Lab; and Hospital or Health Center
- LO-S (Tract 2) - Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; and Hospice and Palliative Care

### Zoning District Purpose Statement

**Tracts 1 & 3** - The CPO District is primarily intended to accommodate office and research and development uses in a planned, campus-like setting compatible with adjacent residential uses. Auxiliary assembly and warehousing activities may be permitted as part of a total project. The district may contain limited commercial uses within employment centers. The district is intended for large sites with direct access to thoroughfares which provide locations for major development in Growth Management Areas 1, 2, 3, 4, and Metro Activity Centers.

**Tract 2** - The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts. This district is intended for application in Growth Management Areas 2 and 3.

### (S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

The proposed development is located within GMA 3 and has access to Burke Mill Road which is a minor thoroughfare. The request will be consistent with the purpose statements of both proposed districts provided the revised site plan includes additional buffering to ensure compatibility with the adjacent single family homes to the southeast.
### Location
Western Terminus of Hospice Lane, south of I-40

### Jurisdiction
City of Winston-Salem

### Ward(s)
South

### Site Acreage
Approximately ± 16.25 acres

### Current Land Use
Undeveloped

### 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>CPO-S</td>
<td>I-40</td>
</tr>
<tr>
<td>East</td>
<td>IP-S &amp; RM12-S</td>
<td>Hospice &amp; single family homes</td>
</tr>
<tr>
<td>South</td>
<td>CPO</td>
<td>Medium scale office building</td>
</tr>
<tr>
<td>West</td>
<td>GB-S &amp; RM12-S</td>
<td>Comfort Suites and multifamily residential</td>
</tr>
</tbody>
</table>

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)
(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?
The proposed uses are compatible with the adjacent business, office and institutional uses. With some additional buffering, as noted below in the Analysis of Conformity to Plans and Planning Issues section, the uses will be compatible with the adjacent single family residential uses.

### Physical Characteristics
The site is heavily wooded and has a moderate slope downward to the southwest. Burke Creek and its adjacent floodplain run along the western and southern boundary of the petition site. A perennial stream also traverses the northern portion of the site. Although the National Wetlands Inventory maps do not identify any wetland areas on the petition site, the site plan illustrates the approximate location of an existing wetland in the northeast portion of the site. Verification from the Army Corps of Engineers will be required.

### Proximity to Water and Sewer
Public water and sewer are available to the site.

### Stormwater/Drainage
The site plan illustrates a proposed stormwater management device on the western portion of the site. A stormwater management study will be required.

### Watershed and Overlay Districts
The site is not within a water supply watershed.

### Analysis of General Site Information
The site is somewhat constrained by an overhead transmission line, streams, moderate slopes and wetlands; however, these constraints have been addressed on the site plan.

### Generalized Recommended Conditions
**BRIEF DESCRIPTION OF CONDITION(S):**
- Stormwater management study
### 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>Hospice Lane</td>
<td>Local Street</td>
<td>1,169’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Burke Mill Road</td>
<td>Minor Thoroughfare</td>
<td>31’</td>
<td>10,000</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
Access will be provided by two driveways which will connect to the extended Hospice Lane.

**Trip Generation - Existing/Proposed**
- **Existing Zoning:** RS-9 & GB
  
  $16.2 \text{ acres (RS-9 portion)} \times 43,560 \text{ sf} / 9,000 = 78 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 746 \text{ Trips per Day} + \text{ no trip rate generation available for remaining small portion of general use GB zoned property.}$

- **Proposed Zoning:** CPO-S & LO-S
  
  $50 \text{ rooms} \times 9.11 \text{ (Motel Trip Rate)} = 456 \text{ Trips per Day} + \frac{16,000\text{sf}}{1,000} \times 36.13 \text{ (Medical-Dental Office Building Trip Rate)} = 578 \text{ Trips per Day} = 1,034 \text{ Total Trips per Day}$

**Sidewalks**
Sidewalks are located along Burke Mill Road, no sidewalks are located on Hospice Lane.

**Transit**
Route 23 along Burke Mill Road

**Traffic Impact Study (TIS)**
A TIS was not required.

**Analysis of Site Access and Transportation Information**
Hospice Lane is a public street which terminates approximately 340’ east of the western border of Tracts 1 and 2. The site plan denotes that “Hospice Lane extension to be built by others.”

**Generalized Recommended Conditions**

- Obtain driveway permit from WSDOT
- Hospice Lane extension condition

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
Growth Management Area 3 – Suburban Neighborhoods

**Relevant Legacy Recommendations**
- Concentrate economic development activity in urbanized areas with established infrastructure.
- *Legacy* also recommends protecting residential areas from inappropriate commercial and industrial encroachment.

**Relevant Area Plan(s)**
Southwest Suburban Area Plan (August 2008)

**Area Plan Recommendations**
- The site is located in the Burke Mill Road Campus Office Area which is designated for office use similar in character to the existing office development in the area.

**Greenway Plan Information**
The Greenway Plan shows the portion of Burke Creek which abuts the site as a greenway connector between the proposed southern extension of the Salem Creek Trail and the Little Creek Trail. The 40’ easement shown on the submitted site plan dated 12-02-08 is sufficient.
(S)(3) - Have changing conditions substantially affected the area in the petition?

No

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

See comments below.

**Analysis of Conformity to Plans and Planning Issues**

The request is to construct a two story 16,000 sf office building and a two story, 50 room, 62,196 sf hotel/motel along with associated parking. The *Southwest Suburban Area Plan* recommends office space for the site. Particularly in light of the adjacent land uses to the north, west and northeast, the request is consistent with said recommendation. However, *Legacy* recommends protecting residential areas from inappropriate commercial and industrial encroachment. The southeastern parking lot for the office building extends to within 20’ of the property line for the single family homes located in that area. In order to provide better protection for said homes, staff recommends an enhanced bufferyard within this area. The revised site plan includes a 15’ Type III bufferyard with a privacy fence. The initial site plan had a 15’ Type I bufferyard with no fence.

Furthermore, in order to reduce impervious surface, eliminate a proposed stream crossing, and reduce parking lot visibility from I-40, staff recommends the consideration of allowing parallel and/or 90° parking along the north/south running driveway which serves the hotel/motel portion of the site. These parking spaces would not only be closer to said building but may preclude the need to construct the more remotely proposed spaces on the northern portion of the site with its associated stream crossing.

<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>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2636</td>
<td>RS-9 &amp; RM-8 to CPO-S</td>
<td>Approved 8-5-03</td>
<td>Directly north of I-40</td>
<td>17.84</td>
<td>Approval</td>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td>W-2597</td>
<td>RM12-S &amp; RS-9 to IP-S</td>
<td>Approved 2-3-03</td>
<td>Directly east and north</td>
<td>15.93</td>
<td>Approval</td>
<td>Approval</td>
<td></td>
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<tr>
<td>W-1102</td>
<td>R-4 to R2-S (RM12-S)</td>
<td>Approved 2-20-84</td>
<td>Directly southeast</td>
<td>20.92</td>
<td>Approval</td>
<td>Approval</td>
<td></td>
</tr>
</tbody>
</table>

**BRIEF DESCRIPTION OF CONDITION(S):**

- Greenway easement condition
### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tract 2 (LO-S) – 16,000 sf  &lt;br&gt; Tract 3 (CPO-S) - 62,196sf</td>
<td>Central portion of site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>114 spaces</td>
<td>196 spaces</td>
<td>Off-street 90°</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract 2 (LO-S) – 40’</td>
<td>Two Story</td>
<td></td>
</tr>
<tr>
<td>Tract 3 (CPO-S) – 60’</td>
<td>Two Story</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract 2 (LO-S) – 75%</td>
<td>20.96%</td>
<td></td>
</tr>
<tr>
<td>Tract 3 (CPO-S) – 80%</td>
<td>22.04%</td>
<td></td>
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</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- Chapter B, Article II, Section 2-1.3 (B) Limited Office District
- Chapter B, Article II, Section 2-1.3 (C) Corporate Park Office District
- Chapter B, Article II, Section 2-5.51 Medical Surgical Offices Use Condition

**Complies with Chapter B, Article VII, Section 7-5.3**

- (A) *Legacy policies:* See comments above
- (B) *Environmental Ord.* Yes
- (C) *Subdivision Regulations* NA

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

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>Request is consistent with the purpose statements of the proposed districts.</td>
<td>Request will result in the removal of several acres of mature vegetation.</td>
</tr>
<tr>
<td>Request is consistent with the recommendation of the <em>Southwest Suburban Area Plan</em>.</td>
<td>Request will result in an increase in traffic on Burke Mill Road.</td>
</tr>
<tr>
<td>Request will allow infill development to occur within an urbanized area.</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 GRADING PERMITS:**
  a. Developer shall cordon off 50% fill line and all areas shown on the site plan as wetland, stream buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO requirements.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
c. 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.

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  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.
  b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Burke Creek as shown on site plan.
  c. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
  d. Remainder of Hospice Lane to be constructed to City of Winston-Salem standards and accepted for public maintenance by the City.

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.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Arthur King

VOTE:
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

_______________________
A. Paul Norby, FAICP
Director of Planning