DOCKET #: W2978

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
RS9

PETITIONER:
Peace Haven Baptist Church
for property owned by
Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRES: 0.39

NEAREST BLDG: 1' east

MAP(S): 612862

Printed: 4/8/2008
May 21, 2008

Peace Haven Baptist Church
 c/o Bill Piper
 265 Old March Road
 Advance, NC  27006

RE:  ZONING MAP AMENDMENT W-2978

Dear Mr. Piper:

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
    Nathan Parrish, 1501 N. Peace Haven Road, Winston-Salem, NC  27104
    Mary Harper, 512 Miller Street, Winston-Salem, NC  27103
<table>
<thead>
<tr>
<th>ACTION REQUEST FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE: May 21, 2008</td>
</tr>
<tr>
<td>TO: The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM: A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**BOARD ACTION REQUEST:**

Request for Public Hearing on Special Use Permit of Peace Haven Baptist Church

**SUMMARY OF INFORMATION:**

Special Use Permit Request of Peace Haven Baptist Church for the expansion of institutional parking in a RS-9 zoning district: property is located on the south side of York Road, east of Archer Road (Zoning Docket W-2978).

**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 Peace Haven Baptist Church,
Docket W-2978

AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR EXPANSION OF INSTITUTIONAL PARKING IN RS-9 ZONING

________________________________________

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 Expansion of Institutional parking in RS-9 Zoning in accordance with Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances to Peace Haven Baptist Church to be established on the following described property:

Tax Lot 25, Tax Block 2522

Section 3. This Ordinance is adopted after approval of the site plan entitled Peace Haven Baptist Church and identified as Attachment "A" of the Special Use Permit issued by the City Council the ______ day of __________________, to Peace Haven 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 Peace Haven Baptist Church. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

W-2978 May 2008  3
Section 5. This Ordinance shall be effective from and after its adoption.
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 Peace Haven Baptist Church, (Zoning Docket W-2978). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for Expansion of Institutional Parking in RS-9 Zoning, 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 WSDOT driveway permit.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem or update the existing stormwater plan if necessary.

• **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a photometric plan prepared by a qualified professional showing that the proposed lights shall not produce more than ½ foot candle of light at the property line.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall install all requirements of the WSDOT driveway permit.
  b. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

• **OTHER REQUIREMENTS:**
  a. No signage shall be permitted on subject RS-9 zoned lot.
## CITY-COUNTY PLANNING BOARD
### STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Peace Haven Baptist Church</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 25 / Tax Block 2572</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)</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of York Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>West</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>3.64 acres for the entire church site and .39 acre for the subject portion.</td>
</tr>
</tbody>
</table>

### Current Land Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RSQ-S</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td>RS-9</td>
<td>&quot;</td>
</tr>
<tr>
<td>South</td>
<td>IP</td>
<td>Unimproved portion of church property</td>
</tr>
<tr>
<td>West</td>
<td>IP</td>
<td>Peace Haven Baptist Church</td>
</tr>
</tbody>
</table>

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

(S2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The proposed parking, with some additional site design considerations as shown on the revised site plan, would be generally compatible with the surrounding single family residential properties.

### Physical Characteristics

The site has mature “street” trees along the York Road frontage and is gently sloped downward to the southeast.

### Proximity to Water and Sewer

Public water and sewer are available to the site.

### Storm water/Drainage

A stormwater management plan was approved for the entire church site on 12-19-07. Planning staff recommends that if the proposed driveway onto York Road remains, curb and gutter should be provided along the eastern side of the driveway in order to minimize runoff on to the adjacent single family residential property. Curbing is already shown along the eastern edge of the parking area. The revised site plan removes said proposed driveway.

### Analysis of General Site Information

Site is adequate for the proposed parking lot.
### 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>York Road</td>
<td>Local Street</td>
<td>100’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

See comments below in the Analysis of Site Access and Transportation Issues section.

**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**

Sidewalks are located on the opposite side of York Road within the RSQ-S zoning.

**Transit**

Route 21 along Peace Haven Road.

### Analysis of Site Access and Transportation Information

The proposed parking lot will have an internal connection to the relocated parking area for the church, along with a new driveway connection onto York Road. To minimize the impact to the adjacent residential neighborhood, as well as to avoid the critical root zone of the mature oak trees along York Road, staff recommends that the proposed driveway be eliminated. The revised site plan removes said proposed driveway.

### Generalized Recommended Conditions

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

- Obtain WSDOT driveway permit.

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 3, Suburban Neighborhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>Legacy recommends expansion of services near where people live, including places of worship and other institutions in a manner that is compatible with surrounding uses.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>Robinhood Road Area Plan (1986)</td>
</tr>
<tr>
<td>Relevant Area Plan(s) Recommendations</td>
<td>The site is designated for residential use.</td>
</tr>
<tr>
<td>Other Applicable Plans and Planning Issues</td>
<td>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:</td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</th>
<th>(S)(3) - Have changing conditions substantially affected the area in the petition?</th>
</tr>
</thead>
<tbody>
<tr>
<td>New homes have been constructed across York Road from the subject property in the last several years.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Conformity to Plans and Planning Issues</th>
<th>(S)(4) - Is the requested action in conformance with Legacy?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legacy recommends that expansions of existing places of worship be done in a manner that is generally compatible with surrounding uses. Provided the following site design recommendations are addressed, the subject request would be consistent with this recommendation.</td>
<td></td>
</tr>
</tbody>
</table>

The site currently has two mature oak trees located adjacent to York Road. These trees make a positive contribution to the streetscape. Their preservation would minimize the impact made to the surrounding single family homes by the proposed institutional parking. The initial site plan depicted a new driveway being cut between said trees approximately 10’ from the trunks. Due to the resulting damage to said trees, and in order to minimize the vehicular impact to the neighbors, it is recommended that this driveway be eliminated. This recommendation is acceptable with the Winston-Salem Fire Department. The revised site plan removes said proposed driveway.

In order to provide additional protection to the adjacent residential property, staff recommends the petitioner provide either an opaque fence or a Type III bufferyard along eastern property line (from York Road to
the southern edge of the parking lot). The revised site plan includes this fence. A lighting and signage condition is also recommended.

**Generalized Recommended Conditions**

**BRIEF DESCRIPTION OF CONDITION(S):**
- Lighting condition
- Signage condition

### 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-2679</td>
<td>RS-9 to RSQ-S</td>
<td>Approved 3-1-04</td>
<td>Directly north</td>
<td>1.62</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

**Parking**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>73 total spaces for the church</td>
<td>78 spaces with 38 being on the subject RS-9 zoned lot</td>
<td>Off-street 90º head-in parking</td>
</tr>
</tbody>
</table>

**Building Height**

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 feet</td>
<td>No buildings proposed</td>
</tr>
</tbody>
</table>

**Impervious Coverage**

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>60%</td>
<td>31.58% for entire site</td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- Section 2-1.2(H) RS-9 District
- Section 2-5.59 Parking, Off-Site, For Multifamily or Institutional Uses in RS and RM Districts Use Conditions

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

(A) *Legacy policies:* See comments above

(B) *Environmental Ord.* NA

(C) *Subdivision Regulations* NA

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

The revised site plan meets the requirements of the UDO.

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

**Positive Aspects of Proposal**

- The request is in conformance with the recommendations of *Legacy.*
- The request meets the required findings for a Special Use Permit.
- No zoning change is requested.

**Negative Aspects of Proposal**

- Request would allow for the expansion of an institutional parking lot near single family homes.

### 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 WSDOT driveway permit.

b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem or update the existing stormwater plan if necessary.
PRIORITY TO THE ISSUANCE OF BUILDING PERMITS:
   a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a photometric plan prepared by a qualified professional showing that the proposed lights shall not produce more than \( \frac{1}{2} \) foot candle of light at the property line.

PRIORITY TO THE ISSUANCE OF OCCUPANCY PERMITS:
   a. Developer shall install all requirements of the WSDOT driveway permit.
   b. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

OTHER REQUIREMENTS:
   a. No signage shall be permitted on subject RS-9 zoned lot.

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:
Nathan Parrish, 1501 N. Peace Haven Road, Winston-Salem, NC 27104
   • I am the pastor of Peace Haven Baptist Church.
   • Thank you for the time to speak to you today.
   • We're here to seek a Special Use Permit for the expansion of our parking pursuant to our desire to build the facility that you see in the proposed plan. It would provide fellowship space for our own church and space that we intend to be available for use beyond our church as well.
   • We've been in this community since 1957 and on this particular site since 1962. To my knowledge we have been and are a good neighbor. We have no intentions of being anything other than a good neighbor.
   • We've made accommodations already based on things we were asked to do.
   • We've worked with the neighborhood association in several public meetings at our church.
   • In reference to the playground, it is still on the property. It's being moved from it's current location to the other side of the building. It serves our own church and a lot of people in this area.
   • Thank you for your consideration.
AGAINST:

Mary Harper, 512 Miller Street, Winston-Salem, NC  27103
- Over the years the business model for religious institutions has changed, but the parking requirements are based on the church model of the 1950s.
- The issue I want to talk about is parking requirements. It is not about the mission of the church or the good it does in the community.
- The church business model is no longer just for Sundays and Wednesdays when residential street parking can absorb extra parking.
- Churches may run businesses, day cares, mother's morning out programs, homeless shelters five or more days per week.
- A live feed on a large screen can be broadcast to a second sanctuary to seat an overflow crowd.
- Large events are staged in these larger facilities.
- All of these activities are part of the religious institutions' right to have these on their property. But the parking requirements need to match the facility.
- Just like other businesses, churches need to be required to have parking for all the seating in their multiple meeting places.
- For an example, Peace Haven Baptist Church is required to have parking for this proposed fellowship hall, but not for their sanctuary.
- In my own neighborhood, years ago the site plan allows the church to build a new facility. Years down the road, the church says, "Wait a minute. We maintain all these facilities and we should be able to use them all when we want to use them." In actuality, they don't have the parking.
- When you approve site plans without appropriate parking, the Planning Board does a disservice to the churches because they are allowed to overbuild those sites when down the road they need more parking just to accommodate that site plan.
- Then in the neighborhood we're faced with continual institutional encroachment and we have a loss of lots in our residential neighborhoods and green space.

WORK SESSION

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

1. Parking requirements for church are based on the seating of the primary sanctuary.

2. We may have a question about whether the ordinance needs to be changed, but this proposal meets the current requirements.

3. Carol Eickmeyer thanked the church for saving the trees and taking out the extra exit and for moving the plantings back. I think long-term that will help neighborhood relations.

4. Paul Mullican: I hope we have parking problems at all our churches.
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: 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