DOCKET #: W2911
(continued from 1/11/2007)

PROPOSED ZONING:
RM8-S (Multiple Uses)

EXISTING ZONING:
RS7 and RM18

PETITIONER:
Uncompromising Word Fellowship Church Inc. and the City of Winston-Salem for property owned by Same

SCALE: 1" represents 200'
STAFF: King
GMA: 2
ACRES: 1.51
NEAREST BLDG: 10' west
MAP(S): 636858
March 21, 2007

Uncompromising Word Fellowship Church Inc.
c/o Malcolm Lewis, Administrator
2800 E. Sprague Street
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2911

Dear Mr. Lewis:

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
Jimmy Howard, P.O. Box 4888, Winston-Salem, NC 27115
ACTION REQUEST FORM

DATE: March 21, 2007
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 Uncompromising Word Fellowship Church Inc.

SUMMARY OF INFORMATION:

Zoning Map Amendment of Uncompromising Word Fellowship Church Inc. from RS-7 and RM-18 to RM-8-S (Child Day Care Center; and Church or Religious Institution, Neighborhood): property is located on the south side of East 14th Street, between Jackson Avenue and Hattie Avenue (Zoning Docket W-2911).

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

Zoning Petition of Uncompromising Word Fellowship Church Inc., Docket W-2911

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-7 and RM-18 to RM-8-S (Child Day Care Center; and Church or Religious Institution, Neighborhood) the zoning classification of the following described property:

<table>
<thead>
<tr>
<th>Tax Block</th>
<th>Tax Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>832</td>
<td>120</td>
</tr>
<tr>
<td>415</td>
<td>101</td>
</tr>
</tbody>
</table>

Section 2. This Ordinance is adopted after approval of the site plan entitled Uncompromising Word Fellowship Church Inc./Family Learning Center and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of ________________, 20___ to Uncompromising Word Fellowship Church Inc..

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 Uncompromising Word Fellowship Church Inc./Family Learning Center. 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 Uncompromising Word Fellowship Church Inc., (Zoning Docket W-2911). 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 RM-8-S (Child Day Care Center; and 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 RM-8-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 ISSUANCE OF ANY PERMITS:
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; additional improvements may be required prior to issuance of driveway permit.

• PRIOR TO ISSUANCE OF BUILDING PERMITS:
  a. If any lighting is proposed on this site, a lighting plan prepared by a lighting engineer shall be submitted to Inspections for the proposed lighting, demonstrating the use of full-cut off fixtures, light height @ 18’ or less, no more than 0.5 foot-candles @ the property line.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
  b. Require verification by lighting engineer that site lighting meets all required lighting conditions.

• OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Uncompromising Word Fellowship Church Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 120, Tax Block 832, and Tax Lot 101, Tax Block 415</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from RM-18 and RS-7 to RM-8-S for a neighborhood scale church and a daycare center.</td>
</tr>
<tr>
<td>Continuance History</td>
<td>This request was continued from the January 11, 2007 Planning Board meeting.</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM-18 (Residential Multifamily; up to 18 du/ac) and RS-7 (Residential Single Family; 7,000 sf. lot size) to RM-8-S (Residential Multifamily; up to 8 du/ac – Special Use Zoning). The petitioner is requesting the following uses:

- Child Day Care Center; and Church or Religious Institution, Neighborhood

### Zoning District Purpose Statement

The RM-8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3.

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

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

Yes, the subject property is located in GMA 2.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of East 14th Street, between Jackson Avenue and Hattie Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 1.76 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Existing church</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td></td>
<td>RS-7</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td></td>
<td>RS-7</td>
<td>Multifamily units</td>
</tr>
<tr>
<td>South</td>
<td></td>
<td>IP</td>
<td>Park/undeveloped land</td>
</tr>
<tr>
<td>West</td>
<td></td>
<td>RS-7</td>
<td>Single family homes</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?

Yes, the RM-8 district allows residential uses and other uses which would be compatible with the surrounding area.

### Physical Characteristics

The subject property is currently developed with an existing church. The proposed site plan indicates only minimal changes to the site.

### Proximity to Water and Sewer

The subject property has access to public water and public sanitary sewer.

### Stormwater/Drainage

No known issues.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

The subject property is 1.76 acres in size and contains an existing structure that was formerly used as a school. The site is currently zoned RM-18 and RS-7. This request would allow both parcels to be zoned appropriately for use as a neighborhood scale church and a child daycare center. The site should remain in its current state, with only minimal change being proposed.

### 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>East 14&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>Minor Thoroughfare</td>
<td>+/- 250 feet</td>
<td>7,800</td>
<td>13,400</td>
</tr>
<tr>
<td>Hattie Avenue</td>
<td>Local Road</td>
<td>+/- 300 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
The site plan reflects the existing access points onto 14<sup>th</sup> Street and Hattie Avenue.

**Planned Road Improvements**
The Thoroughfare Plan recognizes 14<sup>th</sup> Street as adequate.

**Trip Generation - Existing/Proposed**

- **Existing Zoning:** RM-18 & RS-7
  
  \[
  1.51 \times 18 = 27 \text{ units} \times 6.59 \text{ (MFR Trip Rate)} = 178 \text{ Trips per Day} \text{ (add ten more trips for the SF lot for a total of 188)}
  \]

- **Proposed Zoning:** RM-8-S
  
  \[
  10,336 / 1,000 \times 79.26 \text{ (Daycare Center Trip Rate)} = 792^* \text{ Trips per Day}
  \]

  \* = This estimate of 792 trips per day is based on the entire structure being used as a daycare center. If the entire building is not used as a daycare, the trip generation estimate should decrease.

**Sidewalks**

Sidewalks currently exist along both road frontages.

**Transit**

Route 2 runs along 14<sup>th</sup> Street within a block of the subject property.

**Traffic Impact Study (TIS)**

Not required.
The site plan reflects one existing access point located at the northwest corner of the site onto 14th Street and one access point located at the southeast corner onto Hattie Avenue. Sidewalks currently exist along both street frontages. Estimated trip generation for this request is 792 trips per day, based on the entire structure being used as a daycare center.

**BRIEF DESCRIPTION OF CONDITION(S):**
- Condition for City of Winston-Salem driveway permit
- Condition to repair any damage to City streets from construction

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 2 (Urban Neighborhoods)</th>
</tr>
</thead>
</table>

**Relevant Legacy Recommendations**
- *Legacy* encourages needed services such as child care and health care within neighborhoods. It recommends permitting services, including places of worship, near where people live, allowing institutions to grow to meet their needs in a manner that is compatible with surrounding uses, and providing retail and service uses within walking and bicycling distance of neighborhoods. It calls for daily shopping needs as well as services like day care centers to be integrated into neighborhoods. These non-residential uses should be designed in such a way as to minimize their impact on the residential character of an area.

**East Winston Area Plan (1988)**

The subject property is recommended for high density residential use to a maximum of twenty (20) dwelling units per acre.

**(S)(3) - Have changing conditions substantially affected the area in the petition?**
No

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

**Analysis of Conformity to Plans and Planning Issues**
The request is consistent with the recommendations of *Legacy*, which notes the importance of having daycare centers and churches within neighborhoods. Although the *East Winston Area Plan (EAP)* recommends this site be developed for high-density residential, staff feels that the subject request would also be compatible with the surrounding area.

**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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>W-2758</td>
<td>RS-7 to RSQ</td>
<td>Denied 7/5/05</td>
<td>North</td>
<td>0.44</td>
<td>Denial</td>
</tr>
<tr>
<td>W-2603</td>
<td>RSQ to IP-S</td>
<td>Approved 4/7/03</td>
<td>North</td>
<td>0.43</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2412</td>
<td>RS-7 &amp; RS-9 to IP-S</td>
<td>Approved 9/5/00</td>
<td>South</td>
<td>0.95</td>
<td>Approval</td>
</tr>
</tbody>
</table>
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>10,336 square feet</td>
<td>Northern half</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>24 spaces</td>
<td>29 spaces</td>
<td>Various locations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>45 feet</td>
<td>1-story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>70%</td>
<td>37%</td>
</tr>
</tbody>
</table>

UDO Sections Relevant to Subject Request
- Section 2-1.2(L) RM-8 District

Complies with Chapter B, Article VII, Section 7-5.3
- (A) Legacy policies: Yes
- (B) Environmental Ord.: Yes
- (C) Subdivision Regulations: NA

Analysis of Site Plan Compliance with UDO Requirements
The proposed site plan is basically an as-built layout of the existing conditions. There are a few minor changes that will be needed in order to demonstrate compliance with UDO requirements.

Generalized Recommended Conditions
BRIEF DESCRIPTION OF CONDITION(S):
- Signage condition
- Lighting condition

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 general recommendations of Legacy.</td>
<td>The request may generate an increase in traffic.</td>
</tr>
<tr>
<td>This request is considered a down-zoning.</td>
<td></td>
</tr>
<tr>
<td>Only minor changes to the site are needed.</td>
<td></td>
</tr>
<tr>
<td>A daycare and church are two uses that would serve the surrounding area.</td>
<td></td>
</tr>
<tr>
<td>Sidewalks already exist in this 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 ISSUANCE OF ANY PERMITS:
a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; additional improvements may be required prior to issuance of driveway permit.

PRIOR TO ISSUANCE OF BUILDING PERMITS:
a. If any lighting is proposed on this site, a lighting plan prepared by a lighting engineer shall be submitted to Inspections for the proposed lighting, demonstrating the use of full-cut off
fixtures, light height @ 18’ or less, no more than 0.5 foot-candles @ the property line.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to 
     the requirements of the Public Works Department.
  b. Require verification by lighting engineer that site lighting meets all required lighting 
     conditions.

OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum height 
     of six feet.

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