



DOCKET #: W2658

PROPOSED ZONING:

Tract One: NO-S
 (Professional Office;
 and Offices,
 Miscellaneous);
 Tract Two: RM12-S
 (Multiple Residential Uses)

EXISTING ZONING:

RM12-S

PETITIONER:

Baptist Retirement
 Homes of NC, Inc.

SCALE: 1" represents 400'

STAFF: Hall

GMA: 3

ACRE(S): 2.63

MAP(S): 618874

November 19, 2003

Baptist Retirement Homes of NC, Inc.
c/o William B. Stillerman, President
P. O. Box 11024
Winston-Salem, NC 27116

RE: ZONING MAP AMENDMENT W-2658

Dear Mr. Stillerman:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Emmett McCall, 100 N. Cherry Street, Suite 600, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: November 19, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of Baptist Retirement Homes of NC, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Baptist Retirement Homes of NC, Inc. for two tracts as follows:

Tract One: from RM-12-S to NO-S (Offices, Miscellaneous; and Professional Office); property is located on the southwest side of Bethabara Road west of Cypress Circle (Zoning Docket W-2658).

Tract Two: from RM-12-S to RM-12-S (Life Care Community; Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family): property is located on the southwest side of Bethabara Road west of Cypress Circle (Zoning Docket W-2658).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Baptist Retirement Homes of NC, Inc, Docket W-2658

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 Tract One from RM-12-S (Residential Building, Townhouse) to NO-S (Offices, Miscellaneous; and Professional Office) and Tract Two from RM-12-S (Residential Building, Townhouse) to RM-12-S (Life Care Community; Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family) the zoning classification of the following described property:

Tract One: BEGINNING at an axle rod located at the point of intersection of the southern right-of-way line of Bethabara Road, the northwestern corner of Lot 27, Cottage Grove as shown on plat recorded on Plat 20, Page 119, Forsyth County Registry and the northeast corner of the within described tract; thence proceeding in a southerly direction along the western property lines of Lots 24, 25, 26 and 27 as shown on the aforesaid plat south 43° 01' 35" west 199.81 feet to a 3/4 inch iron; thence south 43° 01' 35" west 111.03 feet to a 3/4 inch iron; thence south 43° 01' 35" west 9 feet to a point; thence north 48° 12' 14" west 197.93 feet to a point located in the eastern property line of the Baptist Retirement Homes, Inc., Deed Book 1582, Page 2183, Forsyth County Registry; thence proceeding along the common property line of the Baptist Retirement Homes, Inc. and the within described property north 42° 48' 15" east 305.60 feet to a one inch iron located in the southern right-of-way line of Bethabara Road; thence south 52° 08' 09" east 199.91 feet to the point and place of Beginning being the front portion of the real property owned by Baptist Retirement Homes Foundation, Deed Book 2363, Page 3258, Forsyth County Registry.

Tract Two: BEGINNING at a one inch iron located in the northeast corner of the property owned by Paul J. Meis, Deed Book 1607, Page 869, Forsyth County Registry and the northwest corner of the within described tract; thence running along the common line of the within described tract and the property of Baptist Retirement Homes, Inc. Deed Book 1582, Page 2183, Forsyth County Registry north 42° 48' 15" east 247.65 feet to a point, said point being located in

the aforesaid common line; thence south 48° 12' 14" east 197.93 feet to a point in the southern line of the within described tract and the northern property line of David R. J. Plummer, Deed Book 1877, Page 3487, Forsyth County Registry; thence along the common property line of the within described tract and the aforementioned Plummer property south 43° 01' 35" west 276.9 feet to a square iron located in the southwestern corner of the within described tract and the northeast corner of the property of Roy A. Flemming, Lot 23 as shown on plat of Cottage Grove recorded on Plat Book 20, Page 119, Forsyth County Registry and the eastern property line of the property of Gary S. Elkins, Deed Book 1560, Page 1544, Forsyth County Registry; thence running along the western property line of the within described tract and a portion of the eastern property line, James W. Morten, Deed Book 2093, Page 4153, Forsyth County Registry and the Paul J. Meis as aforementioned north 37° 10' 34" west 199.81 feet to point and place of Beginning being the rear portion of the real property owned by Baptist Retirement Homes Foundation, Deed Book 2363, Page 3258, Forsyth County Registry.

Section 2. This Ordinance is adopted after approval of the site plan entitled Baptist Retirement Homes of NC, Inc and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Baptist Retirement Homes of NC, 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 Baptist Retirement Homes of NC, Inc. 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 Baptist Retirement Homes of NC, Inc., (Zoning Docket W-2658). 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 Tract One: NO-S (Offices, Miscellaneous; and Professional Office) and Tract Two: RM-12-S (Life Care Community; Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the NO-S and RM-12-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:

TRACT ONE:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Natural areas shown to remain on approved site plan shall be cordoned off.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall construct a sidewalk along the entire frontage of Bethabara Road to the specifications of the Public Works Department.
 - b. All required fire hydrants shall be installed in accordance with the City Fire Department.

- **OTHER REQUIREMENTS**
 - a. Development shall be permitted one freestanding five-foot high monument sign.
- **AS VOLUNTEERED BY THE PETITIONER**
 - a. Developer will not install any improvements in the front fifty (50) feet of the site except for the removal of dead trees, underbrush and small saplings in order to clean up the area and reduce the amount of potential combustible material.

TRACT TWO:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Natural areas shown to remain on approved site plan shall be cordoned off.
- **AS VOLUNTEERED BY THE PETITIONER**
 - a. Developer will not install any improvements in the rear fifty (50) feet of the site except for the removal of dead trees, underbrush and small saplings in order to clean up the area and reduce the amount of potential combustible material.

ZONING STAFF REPORT

DOCKET # W-2658
STAFF: S. Chad Hall

Petitioner(s): Baptist Retirement Homes of NC, Inc.
Ownership: Same

REQUEST

Tract One:

From: RM-12-S (Residential Building, Townhouse)
To: NO-S (Offices, Miscellaneous; and Professional Office)

Tract Two:

From: RM-12-S (Residential Building, Townhouse)
To: RM-12-S (Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: Tract One: 1.42 acres
Tract Two: 1.21 acres

LOCATION:

Street: Southwest side of Bethabara Road west of Cypress Circle
Jurisdiction: City of Winston-Salem
Ward: Northwest

SITE PLAN

Tract One:

Proposed Use: Professional Office and Offices, Miscellaneous
Square Footage: 3,150 sf (Total including 1,000 sf addition)
Building Height: 1-story (existing)
Parking: Required: 11; Proposed: 11; 9 to the rear of the existing house with 2 in front.
Bufferyard Requirements: Type I abutting RS-9 and RM-18-S adjacent to parking areas only.
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

Tract Two:

Proposed Use: Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family

Building Height: 1-story

Density: 4.2 units per acre

Parking: Required: 10; Proposed: 10

Bufferyard Requirements: Type II abutting RS-9-S

Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: A single-family dwelling exists on the property (Tract One) and is to be retained and for office use.

Adjacent Uses:

| | |
|--------|------------------------------------------------------------------------------|
| North- | Developed multifamily, zoned RM-12-S |
| East- | Developed single family, zoned RS-9 and developed multifamily, zoned RM-12-S |
| South- | Developed single family, zoned RS-9 and RS-9-S |
| West- | Developed Baptist Assisted Living facility, zoned RM-18-S |

GENERAL AREA

Character/Maintenance: Stable area of well maintained mixed residential uses.

Development Pace: Slow to moderate

HISTORY

Relevant Zoning Cases:

1. W-2533; RS-9 to RM-12-S (Residential Building, Townhouse); approved May 6, 2002; southwest side of Bethabara Road northwest of University Parkway; 2.63 acres; Planning Board and staff recommended approval.
2. W-2244; RS-9 to RSQ-S; withdrawn at the September 10, 1998 Planning Board public hearing; southwest side of Bethabara Road northwest of University Parkway (current site); 2.63 acres; staff recommended denial.
3. W-2293; RS-9 to RM-12-S; approved May 3, 1999; north side of Bethabara Road between North Point Boulevard and University Parkway; 5.0 acres; Planning Board and staff recommended approval.
4. W-2270; RS-9 to RM-12-S; approved December 7, 1998; west side of University Parkway and northwest sides of Bethabara Road; 15.71 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: A narrow entrance driveway must be widened to 20' per Fire Department requirements. This would remove some vegetation along the entrance drive and would, by default, make the proposed office somewhat more visible from Bethabara Road.

Topography: The subject property experiences an elevation change from about 908 feet in the western corner of the property to about 926 feet in the eastern-most section of the property.

Streams: No streams are on or directly near the subject property.

Vegetation/habitat: Almost all of the subject property is heavily vegetated with the exception of the existing structures and impervious surface. The site plan indicates that most of this vegetation will remain on Tract One and that much of this vegetation will be used as a buffer from the proposed structures to adjacent properties in Tract Two.

Floodplains: None

Wetlands: None- Rural Hall Quad

Natural Heritage Sites: None

Farmland Preservation Sites: None

Environmental Resources Beyond The Site: The proposed site plan will not significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Bethabara Road; University Parkway

Street Classification: Bethabara Road – Minor Thoroughfare; University Parkway – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Bethabara Road between North Point Boulevard and University Parkway = 5,500/18,500

University Parkway between North Point Boulevard and Bethabara Road =

17,000/32,200

Trip Generation/Existing Zoning: RM-12-S

28 units x 6.59 (Apartment Trip Rate) = 184 Trips per Day

Trip Generation/Proposed Zoning: RM-12-S and NO-S

5 units x 9.57 (SFR Trip Rate) = 47 trips + 3,150/1,000 x 11.01 (General Office Trip Rate) = 34 trips = **81 Total Trips per Day**

Planned Road Improvements: None

Sight Distance: Good.

Interior Streets: Proposed to connect to private streets of Baptist Assisted Living.

Traffic Impact Study recommended: No

Sidewalks: None existing. Sidewalk is proposed along Bethabara Road.

Transit: None

Bicycle Route: None

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for a mixture of land uses within and on the edges of neighborhoods where the non-residential development is scaled and designed to be compatible with residential uses.

Area Plan/Development Guide: *Polo/Reynolda Road Area Plan* (adopted in 1985)

Relevant Development Guide Recommendation(s): The development plan (page 28) contained in the *Polo/Reynolda Road Area Plan* recommends that the subject property be developed for intermediate density (0-12 units/acre) residential purposes.

ANALYSIS

The current request is to rezone two tracts of land from RM-12-S to NO-S (Tract One) and RM-12-S (Tract Two). Tract One is comprised of 1.42 acres and Tract Two is 1.21 acres yielding a 2.63 total acreage for the entire site. The use proposed for the NO-S tract is for Offices, Miscellaneous and Professional Office. The uses proposed for the RM-12-S tract is Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family. The entire current subject property was rezoned in May 2002 from RS-9 to RM-12-S specifically for Residential Building, Townhouse.

Surrounding the subject property is exclusively residential zoned properties, although mixed between multifamily and single-family. In fact, the subject property is bordered by RS-9 to the east, RS-9-S to the south, RM-12-S to the north across Bethabara Road, and RM-18-S to the west.

Along Bethabara Road between University Parkway and Silas Creek Parkway/North Point Boulevard, much of the rezoning activity in this area has been special use in order to provide, mainly, for a vegetated buffer along Bethabara Road. This buffer aids in maintaining a natural look along the roadway as it leads to and from historic Bethabara Park. Tract One of the current proposal illustrates maintaining all of the existing vegetation on site, minus a narrow strip required to widen the driveway per Fire Department requirements.

The proposed zoning for Tract One is NO-S. The UDO purpose statement of the Neighborhood Office Zoning District states “The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares” and “Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts”. Although the site is adjacent to the Brookridge Retirement Community, it is not adjacent to any other commercial uses or district and is not located on the periphery of the neighborhood. Therefore, the request would not serve the neighborhood as a transitional use in accordance with the purpose statement, unless one viewed the adjacent Baptist retirement homes

as an institutional use versus a residential use. However, since there are no physical vehicular connections to the associated Baptist community, the NO-S tract should be viewed as a stand-alone office proposal. The site plan does illustrate adaptive reuse of the existing house and substantial preservation of existing wooded vegetation.

Tract Two proposes five dwelling units that would be accessed via Baptist Circle, a private road from within the adjacent Baptist retirement home development. The density of housing for this tract is 4.2 units per acre, well below the already approved RM-12-S density that proposed 24 multifamily units (complete current site) at a density of 9.09 units/acre.

As a point of information, the proposed office would be connecting onto a private sewer line as provided from the adjacent Baptist retirement homes. This is only possible when all parcels are in the same ownership. If at some time in the future there was a desire to sell of the office parcel, either the private sewer would need to be dedicated to the City of Winston-Salem or the office parcel would need to disconnect from the private sewer and extend public sewer to their parcel.

In summary, Tract One proposes the adaptive reuse of a house and plans to retain a majority of the existing vegetation on site. However, the site does not comply with the purpose statement of the Neighborhood Office zoning district that typically serves as a transitional use. Tract Two proposes five residential units accessed from the adjacent Baptist Retirement Homes development and is consistent with that development. Traffic generation for the overall proposal is substantially reduced from the previously approved RM-12-S townhouse development.

FINDINGS

1. Tract One proposes NO-S for Offices, Miscellaneous and Professional Office uses.
2. Tract Two proposes RM-12-S for five residential units with uses being Nursing Care Institution; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; and Residential Building, Single Family.
3. The overall project proposes to retain a majority of existing vegetation on site and proposes nearly 100 less trips per day than the current RM-12-S zoning for 24 townhouses.
4. The *Polo/Reynolda Road Area Plan* recommends that the subject property be developed for intermediate density (0-12 units/acre) residential purposes.
5. Tract One varies from the Area Plan recommendations and does not comply with the NO purpose statement.

STAFF RECOMMENDATION

Zoning: **DENIAL** of Tract One
 APPROVAL of Tract Two

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

TRACT ONE:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Natural areas shown to remain on approved site plan shall be cordoned off.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division. Developer shall provide an approved turnaround at the dead end of Baptist Circle.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall construct a sidewalk along the entire frontage of Bethabara Road to the specifications of the Public Works Department.
 - b. All required fire hydrants shall be installed in accordance with the City Fire Department.

- **OTHER REQUIREMENTS**
 - a. Development shall be permitted one freestanding five-foot high monument sign.

TRACT TWO:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Natural areas shown to remain on approved site plan shall be cordoned off.

Chad Hall presented the staff report.

PUBLIC HEARING

FOR:

Emmett McCall, 100 N. Cherry Street, Suite 600, Winston-Salem, NC 27101

- I am here representing Baptist Retirement Home.
- This is a down zoning of the best type. What is there now will stay there.
- We have volunteered a 50-foot buffer along Bethabara Road.
- This is a very nice one-story residential house. The vegetation around it is very nice.

- Mr. William Stillerman, President of Baptist Retirement Home, wants to move the offices for Brookridge Retirement Home to this site. They are wanting to make this change because they like the way the site currently looks. They don't want to change it's appearance.
- The five units in the rear are there for future development. They have no intention at this time of making those changes.
- This does not meet staff's interpretation of Neighborhood Office. However, I'd like to read further down the purpose statement for the NO District. Mr. McCall read the remainder of the purpose statement.
- There are several existing commercial uses in this immediate area.
- This is a good planning opportunity to leave things the way they are as far as the house is concerned and down zone the rear portion of the site.
- The reality is that the folks in the retirement home don't drive as much as the average family unit and therefore traffic impacts will be even less.

AGAINST: None

WORK SESSION

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

1. Clarence Lambe: Is the structure that is on the plan for Tract One the current house? He's just looking at redoing the inside of the house? Emmett McCall: It is. The house will remain the same on the exterior.
2. Jimmy Norwood: Staff looked at Tract One as if it were a stand-alone request because it isn't connected to Tract Two. If it were connected, would it be different? Chad Hall: There was a lot of discussion early on about whether this could be an accessory use for Baptist if there was a vehicular connection. I would defer to Inspections on those discussions. Glenn Simmons: We understand that the office may serve as the office for other sites around the State, so in that context it would not be an accessory use to Brookridge.
3. Dara Folan: I understand staff's points, but the petitioners are keeping the existing structure and vegetation.

MOTION: Dara Folan moved approval of the zoning map amendment for both tracts.

SECOND: Paul Mullican

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Jimmy Norwood certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning