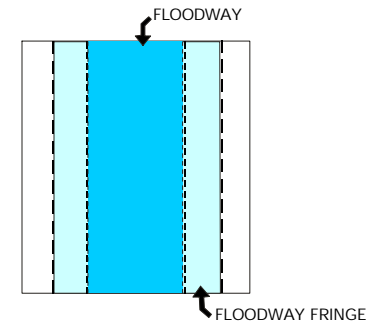


DOCKET #: W2500

PROPOSED ZONING:
 IP-S (Church or Religious Institution, Neighborhood; Adult Day Care Center)

EXISTING ZONING:
 RS9

PETITIONER:
 Westview Baptist Church



SCALE: 1" represents 400'

STAFF: Hughes

GMA: 3

ACRE(S): 4.46

MAP(S): 618842



September 19, 2001

The Shepherd's Center of Greater Winston-Salem
for property owned by Westview Baptist Church
c/o Samuel C. Matthews
1700 Ebert Street
Winston-Salem, NC 27103-4809

RE: ZONING MAP AMENDMENT W-2500

Dear Mr. Matthews:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Carlton Mitchell, 3121 Shannon Drive, Winston-Salem, NC 27106
Anthony Layng, 2596 Azalea Place, Winston-Salem, NC 27103
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103
Charles Huneycutt, 1656 Ebert Street, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: September 19, 2001
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of The Shepherd's Center of Greater Winston-Salem for property owned by Westview Baptist Church

SUMMARY OF INFORMATION:

Zoning map amendment of The Shepherd's Center of Greater Winston-Salem for property owned by Westview Baptist Church from RS-9 to IP-S (Church or Religious Institution, Neighborhood; and Adult Day Care Center): property is located on the west side of Ebert Street across from Geneva Road (Zoning Docket W-2500).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of The Shepherd's Center of Greater Winston-Salem for property owned by Westview Baptist Church, Docket W-2500

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 Board of Aldermen 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 to IP-S (Church or Religious Institution, Neighborhood; and Adult Day Care Center) the zoning classification of the following described property:

Tax Block 3924, Tax Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 101

Section 2. This Ordinance is adopted after approval of the site plan entitled The Shepherd's Center of Greater Winston-Salem and Westview Baptist Church and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to The Shepherd's Center of Greater Winston-Salem for property owned by Westview Baptist Church.

Section 3. The Board of Aldermen 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 The Shepherd's Center of Greater Winston-Salem and Westview Baptist Church. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 The Shepherd's Center of Greater Winston-Salem for property owned by Westview Baptist Church, (Zoning Docket W-2500). 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 IP-S (Church or Religious Institution, Neighborhood; and Adult Day Care Center), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the IP-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 THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Ebert Street to the specifications of the Winston-Salem Department of Transportation.
 - b. Developer shall dedicate right-of-way along Ebert Street to the specifications of the Winston-Salem Department of Transportation.
 - c. Developer shall supply a safe transit stop along Ebert Street.

- **OTHER REQUIREMENTS**
 - a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

ZONING STAFF REPORT

DOCKET # W-2500

STAFF: Suzy Hughes

Petitioner(s): The Shepherd's Center of Greater Winston-Salem

Ownership: Westview Baptist Church

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf

To: IP-S Institutional and Public District (Church or Religious Institution, Neighborhood; and Adult Day Care Center)

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

Acreage: 4.46 acres

LOCATION

Street: West side of Ebert Street across from Geneva Road.

Jurisdiction: City of Winston-Salem.

Ward: South.

SITE PLAN

Proposed Use: Church or Religious Institution, Neighborhood; and Adult Day Care Center.

Square Footage: 5,644 square feet.

Building Height: One story.

Parking: Required: 42; proposed: 48.

Bufferyard Requirements: 15 foot type II buffer where adjacent to residential zoning.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Westview Baptist Church, zoned RS-9.

Adjacent Uses:

- North - Single family residence, zoned RS-9.
- East - Single family residence, zoned RS-9; multifamily and Forsyth Technical Community College further east, zoned RMU, RM-18, and C.
- South - Single family residence, zoned RS-9 and vacant land, zoned RM-8-S.
- West - Ardmore Manor subdivision, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained single family residences in immediate area.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Rezoning would not impact existing features.

Topography: Site slopes downward to the south.

Vegetation/habitat: Site is developed and is wooded on the western corner. This vegetation is not proposed to be disturbed.

Constraints: None.

Watershed: Site is not within the boundaries of a Water Supply Watershed.

TRANSPORTATION

Direct Access to Site: Ebert Street.

Street Classification: Major thoroughfare.

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

Ebert Street: 12,000/12,000

Trip Generation/Existing Zoning: $4.46 \text{ acres}/9,000 = 21 \text{ lots} \times 9.57 = 201$ average weekday trips.

Trip Generation/Proposed Zoning:

Church: $4,639 \text{ sf}/1,000 \text{ sf} \times 9.11 = 42$ average weekday trips.

Day Care: $1,600 \text{ sf}/1,000 \text{ sf} \times 79.26 = 127$ average weekday trips. (The ITE Manual does not have data available for the use adult day care.)

Total proposed trips = 169 average weekday trips.

Transit: WSTA Route 23 along Oak Grove Road to Ebert Street (adjacent to site) and Ebert Road south across I-40 to Salem Crest Lane.

Bike: Route 23 along Ebert Street (adjacent to site) and Ebert Road.

HISTORY

Relevant Zoning Cases:

1. W-2464; RS-9 to RM-8-S (Residential Building, Multifamily); approved May 24, 2001; west side of Ebert Road south of Geneva Road; 20.75 acres; Planning Board and staff recommended approval.
2. W-1684; R-1-S (Office), R-2, and R-4 to R-1; approved October 15, 1990; southeast corner of Silas Creek Parkway and Miller Street; 30.85 acres; Planning Board and staff recommended approval.

3. W-1526; R-2 to R-1-S (Offices); approved June 6, 1988; south side of Oak Grove Road across from Martin Street; 0.75 acre; Planning Board and staff recommended approval.
4. W-1239; R-4 to R-2-S (Dwellings, Multifamily); approved May 6, 1985; east side of Ebert Street north of Oak Grove Road and west of Martin Street; 1.21 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* encourages a mix of uses within neighborhoods including public and semi-public services.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

ANALYSIS

The Shepherd's Center of Greater Winston-Salem has submitted this request to rezone 4.46 acres from RS-9 to IP-S. Under the current RS-9 zoning classification, the Westview Baptist Church is an allowable use; however, Adult Day Care Center is allowed as an accessory use only if the religious institution occupying the building operates the Adult Day Care Center. The Shepherd's Center has requested this rezoning to be able to have the Adult Day Care use as they are not the religious institution occupying the upper floor, therefore would not be considered an accessory use.

The Adult Day Care Center use at this location would not be a detriment to the community. It would be allowed without rezoning if not for two different groups operating the church and the Adult Day Care Center. The additional use will not change the existing features on the property. The use will cause a minimal increase in traffic, however, the traffic generated by the church and the adult day care is still less than the potential traffic under the existing RS-9 zoning.

The area is a mixture of uses. There are single family residential, multifamily, office, and campus uses nearby. The addition of use as requested with this petition would not alter the character of the area.

Legacy encourages a mix of uses within neighborhoods including public and semi-public services.

IP-S is consistent with the *Legacy* recommendation. Staff recommends the request be approved as it is consistent with the uses in the area and consistent with *Legacy*.

FINDINGS

1. IP-S is consistent with the *Legacy* recommendation.
2. There are single family residential, multifamily, office, and campus uses nearby.
3. IP-S would not alter the character of the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Ebert Street to the specifications of the Winston-Salem Department of Transportation.
 - b. Developer shall dedicate right-of-way along Ebert Street to the specifications of the Winston-Salem Department of Transportation.
 - c. Developer shall supply a safe transit stop along Ebert Street.

- **OTHER REQUIREMENTS**
 - a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

Suzy Hughes presented the staff report.

PUBLIC HEARING

FOR:

Sam Matthews, 1220 Forsyth Street, Winston-Salem, NC 27101

Executive Director of The Shepherd's Center.

We work with older adults.

This site is currently being used as offices and a senior day care center. Our office hours are 9-5, but events for senior citizens are usually 10-3.

We have approximately 25 people coming daily to the day care, and 5-10 volunteers to work with them.

Carlton Mitchell, 3121 Shattalon Drive, Winston-Salem, NC 27106

Pastor of Westview Baptist Church. We have more space than we need, so we let the Shepherd's Center use it free of charge.

Anthony Layng, 2596 Azalea Place, Winston-Salem, NC 27103

I'm a neighbor of the Shepherd's Center and welcome having this use in our neighborhood.

AGAINST:

Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

Senior Vice-President of British Woods Association.

I am here to take a stand on traffic through British Woods. We just have to draw a line and oppose everything that is proposed in this area.

New Castle Drive has become another cut-through like London Lane.
Undoubtedly some of the traffic this request will add to Ebert Road will come through
London Lane.

I'm not against an adult day care center, I'm just taking a stand on additional traffic
through British Woods.

Charles Huneycutt, 1656 Ebert Street, Winston-Salem, NC 27103

I live at the corner of Oak Grove and Ebert Street.

I don't live far from Westview Baptist Church.

I'm not opposed to a day care center, but am opposed to additional traffic.

WORK SESSION

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

1. In response to a question by the Board, Greg Turner, Director of the City Department of Transportation, indicated that traffic in that area has been reviewed before and after the recent changes to Silas Creek Parkway. We have not found that there is sufficient traffic on the side streets to warrant changes at this time. There is a speeding problem which police are addressing.
2. This proposal would result in lower traffic than if the site was developed as RS-9.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: None

EXCUSED: None

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

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning