

May 20, 2009

Roman Catholic Diocese of Charlotte NC c/o Peter J. Jugis, Bishop 1123 Church Street, S. Charlotte, NC 28203

RE: ZONING MAP AMENDMENT W-3036

Dear Bishop Jugis:

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 Thad Lewallen (Hospice), P. O. Box 5422, Winston-Salem, NC 27113

ACTION REQUEST FORM

DATE: May 20, 2009

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 Roman Catholic Diocese of Charlotte NC

SUMMARY OF INFORMATION:

Zoning map amendment of Roman Catholic Diocese of Charlotte NC from CPO-S to IP: property is located off the north side of Hospice Lane, west of Burke Mill Road (Zoning Docket W-3036).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL **FOR**: UNANIMOUS

AGAINST: NONE

EXCUSED: WESLEY CURTIS SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Roman Catholic Diocese of Charlotte NC, Docket W-3036

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:

<u>Section 1</u>. 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 <u>CPO-S</u> to <u>IP</u> the zoning classification of the following described property:

Beginning at a an existing iron pipe in the southern margin of Interstate 40 and the northwest corner of Hospice of W.S. Forsyth Co. Inc. , Pin # 6814-74-3333; thence with Hospice of W.S. Forsyth Co. Inc. , Pin # 6814-74-3333 S $00^{\circ}49'44''$ E a distance of 130.00' to an point; thence along the north line of Hospice of W.S. Forsyth Co. Inc. , Pin # 6814-74-3333 N $88^{\circ}42'17''$ W a distance of 537.80', to an existing iron pipe; thence with a proposed new line , N $00^{\circ}55'35''$ E a distance of 221.60' to a existing iron pipe in the southern margin Interstate 40; thence along the southern margin of Interstate 40, S $82^{\circ}31'58''$ E a distance of 297.45', to an existing right of way monument; thence continuing along said margin S $74^{\circ}39'38''$ E a distance of 246.04', to an existing iron pipe; which is the point of beginning, having an area of 99091.11 square feet, 2.275 acres.

Section 2. This ordinance shall become effective upon adoption.

CITY-COUNTY PLANNING BOARD STAFF REPORT

	PET	ITION INFORMATION					
Docket #	W-3036						
Staff	Gary Roberts, J.	r. AICP					
Petitioner(s)		Diocese of Charlotte NC					
Owner(s)	Same						
Subject Property	Portion of PIN	#6814-64-7436					
Address	The site is located directly north of 101 Hospice Lane						
Type of Request	General use rezoning						
Proposal	subject property Motel; Medical Offices, Miscell and Hospital or NOTE: Both g the petitioner(s	or Dental Laboratory; Medianeous; Professional Office Health Center] to IP (Institute the IP) who decided to pursue the	ark Office District) [Hotel or ical and Surgical Offices; e; Testing and Research lab; utional Public District). Act zoning were discussed with rezoning as presented. With				
Zoning District Purpose Statement	a General use, all uses in the District must be considered. The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.						
Applicable	(S)(1) - Is the p	roposal consistent with th	e purpose statement(s) of the				
Rezoning	requested zoni	ng district(s)?					
Consideration	Yes, the subject	property is located adjacen	t to an existing institutional				
from Chapter B,	facility.						
Article VI,							
Section 6-2.1(S)	CENED		NT.				
Location		AL SITE INFORMATIO					
Jurisdiction	City of Winston	de of Hospice Lane, west of	Duike Willi Kuau				
Ward(s)	South	i-DaiCIII					
Site Acreage	Approximately	+ 2.27 acres					
Current		veloped and has a 128 foot	wide Duke Energy utility				
Land Use		ing over 50% of the site.	Z and Zinergj wanty				
Surrounding	Direction	Zoning District	Use				
Property Zoning	North	CPO-S	I-40 and Truliant Credit				
and Use			Union				
	East	IP-S	Hospice				
	South	IP-S	Hospice				
	West	CPO-S	Undeveloped				

Applicable	(S)(2) - Is/are th	a usa(s) narmit	ttad under th	a proposed				
Rezoning	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other							
Consideration	properties in the vicinity?							
from Chapter B,	Yes	e vicinity v						
Article VI,								
Section 6-2.1(S)								
Physical	The site is predominantly cleared and has variable topography with a							
Characteristics	moderate to steep slope downward to the west.							
Proximity to	Public water and sewer are available to the site.							
Water and Sewer								
Stormwater/	No known issues							
Drainage								
Watershed and	The site is not within a water supply watershed.							
Overlay Districts								
Analysis of	The relatively narrow site is traversed by a 128' wide Duke Energy							
General Site	easement. This constraint substantially limits the opportunity to place a							
Information	building on the site. The recently approved site plan for the broader CPO-							
	S tract shows this portion of the site as undeveloped. Staff does note that							
	should the subject request be approved, a Staff change will be needed for							
	the remainder of the CPO-S zoned site (W-3015). Based upon a preliminary analysis, staff does not see any issues with the proposed							
	rezoning from the		not see any is	sues with the proposed				
CITE	ACCESS AND		ATION INFO	DPMATION				
Street Name	Classification	Frontage	ADT	Capacity/LOS D				
Street Manie	Clussification	Trontage	Count	Cup.voy, = 0 % =				
Hospice Lane	Local Street	See below	NA	NA				
Proposed Access	Because this is a	general use req	uest, the exac	et location of access points is				
Point(s)	unknown. Howe	ver, the approve	ed site plan in	cludes an access easement				
	unknown. However, the approved site plan includes an access easement that would eventually connect to the western terminus of Hospice Lane.							
	The eastern portion of the subject property can be accessed from the							
	The eastern porti	on of the subjec	ct property ca	n be accessed from the				
	The eastern porti adjacent Hospice	on of the subject site which also	ct property ca connects to	n be accessed from the Hospice Lane.				
Trip Generation -	The eastern porti adjacent Hospice No buildings are	on of the subject site which also shown on the a	ct property ca connects to proved CPC	n be accessed from the Hospice Lane. O-S site plan for the subject				
Trip Generation - Existing/Proposed	The eastern porti adjacent Hospice No buildings are property and trip	on of the subject site which also shown on the a	ct property ca connects to proved CPC	n be accessed from the Hospice Lane.				
Existing/Proposed	The eastern porti adjacent Hospice No buildings are property and trip district.	on of the subject site which also shown on the a generation is no	et property ca connects to pproved CPC ot available for	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use				
	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loc	on of the subject site which also shown on the a generation is no	et property ca connects to pproved CPC ot available for	n be accessed from the Hospice Lane. O-S site plan for the subject				
Existing/Proposed Sidewalks	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road.	on of the subject site which also shown on the a generation is not cated on the adj	et property ca o connects to pproved CPC ot available for acent Hospic	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use				
Existing/Proposed Sidewalks Transit	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road. Route 23 along E	on of the subject site which also shown on the a generation is not cated on the adjusted Burke Mill Road	et property ca connects to pproved CPC ot available for acent Hospica	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill				
Existing/Proposed Sidewalks Transit Analysis of Site	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road. Route 23 along E Staff does not an	on of the subject site which also shown on the a generation is not cated on the adjusted Burke Mill Road	et property ca connects to pproved CPC ot available for acent Hospica	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use				
Sidewalks Transit Analysis of Site Access and	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road. Route 23 along E	on of the subject site which also shown on the a generation is not cated on the adjusted Burke Mill Road	et property ca connects to pproved CPC ot available for acent Hospica	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill				
Existing/Proposed Sidewalks Transit Analysis of Site	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road. Route 23 along E Staff does not an	on of the subject site which also shown on the a generation is not cated on the adjusted Burke Mill Road	et property ca connects to pproved CPC ot available for acent Hospica	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill				
Existing/Proposed Sidewalks Transit Analysis of Site Access and Transportation Information	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loo Road. Route 23 along E Staff does not an	on of the subject site which also shown on the a generation is not cated on the adjurke Mill Road ticipate any neg	et property ca o connects to i pproved CPC ot available for acent Hospical destriction	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill rtation impacts from this				
Existing/Proposed Sidewalks Transit Analysis of Site Access and Transportation Information	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are loc Road. Route 23 along E Staff does not an request.	on of the subject site which also shown on the algeneration is not cated on the adjurke Mill Road ticipate any neg	ct property ca o connects to pproved CPC ot available for acent Hospical gative transpo	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill retation impacts from this				
Sidewalks Transit Analysis of Site Access and Transportation Information	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are local Road. Route 23 along Estaff does not an request. ONFORMITY TO Growth Manager	on of the subject site which also shown on the a generation is not cated on the adjusted Mill Road ticipate any negroup of PLANS AND ment Area 3 – S	ct property ca o connects to proved CPC ot available for acent Hospical departments to prove the contract of t	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill retation impacts from this				
Sidewalks Transit Analysis of Site Access and Transportation Information Co Legacy GMA	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are local Road. Route 23 along Estaff does not an request. DNFORMITY To Growth Manager • Legacy promi	on of the subject site which also shown on the a generation is not cated on the adjurke Mill Road ticipate any negroup of PLANS AND ment Area 3 – Shotes a mix of united to the state of the subject of t	ct property ca o connects to proved CPC ot available for acent Hospica gative transpo PLANNING buburban Neig ses in neighb	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill retation impacts from this G ISSUES ghborhoods				
Sidewalks Transit Analysis of Site Access and Transportation Information Co Legacy GMA Relevant Legacy	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are local Road. Route 23 along Estaff does not an request. ONFORMITY TO Growth Manager • Legacy prominstitutional scale with the	on of the subject site which also shown on the a generation is not cated on the adjurke Mill Road ticipate any negroup of the subject of the	ct property ca o connects to pproved CPC ot available for acent Hospical gative transpo DPLANNING uburban Neignses in neighbothat are appropertion.	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill rtation impacts from this G ISSUES ghborhoods orhoods, including opriate for the area and in				
Sidewalks Transit Analysis of Site Access and Transportation Information Co Legacy GMA Relevant Legacy	The eastern porti adjacent Hospice No buildings are property and trip district. Sidewalks are located Road. Route 23 along Estaff does not an request. DNFORMITY To Growth Manager • Legacy prominstitutional scale with the Legacy enco	on of the subject site which also shown on the algeneration is not cated on the adjurke Mill Road ticipate any negroup of the subject of the	ct property ca o connects to pproved CPC ot available for acent Hospica acent Hospica gative transpo DPLANNING suburban Neign ses in neighbor that are approperties titutional face	n be accessed from the Hospice Lane. D-S site plan for the subject or the proposed general use e site frontage of Burke Mill retation impacts from this GISSUES ghborhoods orhoods, including				

		i	in neighborhoo	ds and	ad located at the edges of single family residential				
		areas. Legacy calls for these to be designed in such a way as to							
		minimize their impact on the character of an area.							
Relevant	Area	Southwest Suburban Area Plan adopted by the Winston-Salem City							
Plan(s)		Council August 2008, adopted by the Forsyth County Board of							
		Commissioners January 2009							
Area Pla		The site is located in an area designated in the Area Plan for office							
	endations -	use.							
Applicab		(S)(3) - Have changing conditions substantially affected the area in						ed the area in	
Rezoning Consider	•	_	petition?						
from Cha		No							
Article V	-	(S) (4	4) - Is the requ	ested a	ection	in conforn	nance with $oldsymbol{\mathit{L}}$	egacy?	
Section 6		Yes							
Analysis	, ,	The	subject general	use re	quest	is consisten	t with <i>Legac</i> y	in that it would	
Conform			The subject general use request is consistent with <i>Legacy</i> in that it would allow for the possible expansion of the adjacent Hospice institutional use.						
Plans and	d	The	site is also adja	acent to	I-40	and CPO-S	zoning, there	fore, no direct	
Planning	Issues	impa	act or encroach	ment to	resid	ential uses	is anticipated	•	
RELEVANT ZONING HISTORIES									
	_								
Case	Reque	st	Decision &	Direc	ction	Acreage	Recon	nmendation	
	•		Decision & Date	Direct from	ction Site	Acreage	Recon Staff	ССРВ	
Case W-3015	RS-9 & G	B to	Decision & Date Approved	Direct from Include	ction Site		Recon		
	RS-9 & G CPO-S &	B to	Decision & Date	Direct from Include subject	ction Site ded	Acreage	Recon Staff	ССРВ	
W-3015	RS-9 & G CPO-S & S	B to LO-	Decision & Date Approved 2-2-09	Direct from Include subject prope	ction Site ded ct	Acreage 16.25	Recon Staff Approval	CCPB Approval	
	RS-9 & G CPO-S & S RM12-S &	B to LO-	Decision & Date Approved 2-2-09 Approved	Direct from Include subject proper Direct	ction Site ded et rty	Acreage	Recon Staff	ССРВ	
W-3015	RS-9 & G CPO-S & S	B to LO-	Decision & Date Approved 2-2-09	Direct east a	ction Site ded et rty	Acreage 16.25	Recon Staff Approval	CCPB Approval	
W-3015 W-2597	RS-9 & G CPO-S & S RM12-S & RS-9 to IF	B to LO-	Decision & Date Approved 2-2-09 Approved	Direct from Include subject proper Direct	ction Site ded et rty	16.25 15.93	Recon Staff Approval	CCPB Approval	
W-3015	RS-9 & G CPO-S & S RM12-S & RS-9 to IF	B to LO- & P-S	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies:	Direct subject proper Direct east a south	etion Site ded et rty tly nd	16.25 15.93	Recon Staff Approval	CCPB Approval	
W-3015 W-2597 Complies Chapter Article V	RS-9 & G CPO-S & S RM12-S & RS-9 to IF	B to LO-	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental Or	Direct subject proper Direct east a south	etion Site ded et rty tly nd Yes	16.25 15.93	Recon Staff Approval	CCPB Approval	
W-3015 W-2597 Complies	RS-9 & G CPO-S & S RM12-S & RS-9 to IF S with B, III,	B to LO-	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental On Subdivision Regulary	Direct subject proper Direct east a south	etion Site ded et rty tly nd Yes NA	16.25 15.93	Recon Staff Approval Approval	CCPB Approval Approval	
W-3015 W-2597 Complies Chapter Article V	RS-9 & G CPO-S & S RM12-S & RS-9 to IF S with B, III,	B to LO-	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental Or	Direct subject proper Direct east a south	etion Site ded et rty tly nd Yes NA	16.25 15.93	Recon Staff Approval Approval	CCPB Approval Approval	
W-3015 W-2597 Complies Chapter Article V Section 7	RS-9 & G CPO-S & S RM12-S & RS-9 to IF s with B, II, -5.3 CON	B to LO- C (A) I (B) I (C) S CLUS cets of	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental On Subdivision Regulation Signature Signatu	Direct subject proper Direct east a south	etion Site ded ct rty tly nd Yes NA NA	16.25 15.93 I RECOMI Negative	Recon Staff Approval Approval MENDATIO Aspects of P	CCPB Approval Approval ON roposal	
W-3015 W-2597 Complies Chapter Article V Section 7 Portion Request in the section 1	RS-9 & G CPO-S & S RM12-S & RS-9 to IF s with B, II, -5.3 CON sitive Aspers	B to LO- C (A) I (B) I (C) S CLUS cets of	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental Or Subdivision Regulation R	Direct subject proper Direct east a south	tion Site ded et rty tly nd Yes NA NA WITH	16.25 15.93 IRECOM Negative Change wil	Recon Staff Approval Approval MENDATIO Aspects of P I be required	CCPB Approval Approval	
W-3015 W-2597 Complies Chapter Article V Section 7 Po Request i purpose s	RS-9 & G CPO-S & S RM12-S & RS-9 to IF s with B, III, -5.3 CON esitive Aspes s consistent tatement.	B to LO- R P-S (A) I (B) I (C) S CLUS exts of	Decision & Date Approved 2-2-09 Approved 2-20-84 Legacy policies: Environmental On Subdivision Regulation R	Direct subject proper Direct east a south	tion Site ded et rty tly nd Yes NA NA WITH	16.25 15.93 I RECOMI Negative	Recon Staff Approval Approval MENDATIO Aspects of P I be required	CCPB Approval Approval ON roposal	
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STAFF RECOMMENDATION: Approval

<u>NOTE:</u> These are **staff comments** only; <u>final recommendations</u> on projects are made by the City-County Planning Board, with <u>final decisions</u> 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.

SECOND: Arthur King

VOTE:

FOR: Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell,

Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: Wesley Curtis

A. Paul Norby, FAICP

Director of Planning