



DOCKET #: W2385

PROPOSED ZONING:
IP

EXISTING ZONING:
RS9

PETITIONER:
First Baptist Church
of Stanleyville

SCALE: 1" represents 200'

STAFF:

GMA: 3

ACRE(S): Tract 1: 1.32;
Tract 2: 0.67

MAP(S): 618890

April 19, 2000

First Baptist Church of Stanleyville
c/o Tommy Taylor
851 Ziglar Road
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2385

Dear Mr. Taylor:

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
James Campbell, 788 Ash Street Drive, Rural Hall, NC 27045

ACTION REQUEST FORM

DATE: April 19, 2000
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 First Baptist Church of Stanleyville

SUMMARY OF INFORMATION:

Zoning map amendment of First Baptist Church of Stanleyville for two separate tracts of land as follows:

Tract 1: Rezoning from RS-9 to IP: property is located on the southwest side of Virginia Lake Road north of Ziglar Road (Zoning Docket W-2385).

Tract 2: Rezoning from RS-9 to IP: property is located +/-200 feet off the east side of Nylon Drive, north of Ziglar Road (Zoning Docket W-2385).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of First Baptist Church of Stanleyville, Docket W-2385

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 the zoning classification of the following described property:

Tract 1

BEGINNING as an existing iron stake in the northern line of the First Baptist Church of Stanleyville, said iron stake being the southeast corner of Lot Number 4 as shown on the plat of Northwest Acres, recorded in Plat Book 19, at page 98, in the Office of the Register of Deeds of Forsyth County, North Carolina; thence from said point of beginning and with the eastern line of Lot Number 4 and falling in with the eastern line of Lots 5 and 6 as shown on the aforesaid plat north 6E 36' west 262.85 feet to an existing iron stake in Lawson's line; thence the following two courses and distances with Virginia Lawson (now or formerly) south 84E 46' east 134.2 feet to an existing iron stake and stone; thence south 4E 26' 30" west 232.87 feet to an iron stake in the northern line of the First Baptist Church of Stanleyville; thence with its line south 78E 56' west 87.0 feet to an iron stake, the point and place of beginning. Containing 0.62 acre, more or less, in accordance with a survey made by Michael E. Gizinski, RLS, dated September 20, 1985, and recorded as Exhibit "A" to a deed recorded in Book 1639, page 1046, Forsyth County Registry. For further reference see Deed Book 1639, page 1046, and Deed Book 960, page 33, Forsyth County Registry, North Carolina. Tax Block 4947, Tax Lot 47E.

Tract 2

BEGINNING at an iron stake in the west right-of-way line of Virginia Lake Road (SR 1668) being the northeast corner of Lot No. 50 of Clayton Estates, Section No. 1 (Plat Book 7, Page 97) running thence along the north line of Clayton Estates, Section 1, south 70E 44' 34" west 360.55 feet to an iron pipe corner of that property conveyed to the Trustees of the Stanleyville Baptist Church by deed recorded in Book 1022, Page 691 running thence along the east line of said Church property north 14E 30' 50" west 197.76 feet to an iron stake in the south line of David E. Lawson, et ux (Book 1647, Page 3328) thence along a new line with David E. Lawson, et ux, north 87E 37' 17" east 154.48 feet to an iron pipe, corner of Larry W. Eubanks, Jr., et ux (Book 1424, Page 705) thence along the Eubanks property north 71E 30' 00" east 200.00 feet to an iron pipe in the west right-of-way line of Virginia Lake Road, thence along the west right-of-way line of said road south 50E 00' east 149.63 feet to the point and place of beginning. Containing 1.31648 acres, more or less, and being described in accordance with a private survey by Thomas A. Riccio, R.L.S., dated March 7, 1994. Tax Block 4947, Tax Lot 204.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2385
STAFF: Glenn Simmons

Petitioner(s): First Baptist Church of Stanleyville
Ownership: Same

REQUEST

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

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: Tract 1: 1.32 acres; Tract 2: 0.62 acre.

LOCATION

Street: Both tracts under consideration are located on the north side of an existing tract of IP zoned land located on the north side of Ziglar Road between Nylon Drive and Virginia Lake Road.

Jurisdiction: City of Winston-Salem.

Ward: Northeast

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: No structures located on tracts 1 or 2. First Baptist Church Stanleyville, cemetery, and recreation area are located on the existing IP zoned land. A walking track, picnic area, and playground are located on tract 1.

Adjacent Uses:

- North - North and east of tract 2 is a wooded area zoned RS-9. North of tract 1 is a wooded area zoned RS-9 and single family homes zoned RS-9.
- East - Single family homes zoned RS-9 along Virginia Lake Road.
- South - RS-9 zoned land with existing single family homes.
- West - Single family homes zoned RS-9 along Nylon Drive.

GENERAL AREA

Character/Maintenance: The area generally consists of larger lot residential subdivisions and residential homes fronting on thoroughfares

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: Tract 1 is graded flat, tract 2 slopes moderately downward toward a small drainage way located just east of the edge of the property.

Streams: None.

Vegetation/habitat: Tract 1 is an open field, tract 2 is largely wooded.

Constraints: Depending upon future development plans tract 2 may require substantial clearing and grading.

TRANSPORTATION

Direct Access to Site: Virginia Lake Road and Ziglar Road

Street Classification: Virginia Lake Road - unclassified; Ziglar Road - minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Ziglar Road - 1,400/8,000.

HISTORY

Relevant Zoning Cases:

1. F-697; R-5 (Comparable to RS-9) to R-2 (comparable to RM-12); approved June 25, 1984; 2.65 acres; located on the southeast side of Ziglar Road approximately 330 feet east of US 52.
2. W-2092; HB-S (Multiple Uses - TWO PHASE) and RS-9 to HB-S (Shopping Center); withdrawn at October 11, 1997 Planning Board meeting; northeast corner of University Parkway and Stanleyville Drive; 5.26 acres; staff recommended denial.
3. W-1852; R-6 to B-3-S (Multiple business uses - TWO PHASE); approved November 15, 1993; east of University Parkway on both the north and south sides of Hanes Mill Road; 31.99 acres; Planning Board and staff recommended approval.
4. F-912; R-6 to B-3-S (Multiple business uses - TWO PHASE); approved February 27, 1989; northeastern corner of the intersection of University Parkway and Stanleyville Drive; 2.05 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* recommends in GMA 3 the development of activity nodes at planned locations and the preservation of stable neighborhood areas.

Area Plan/Development Guide: None.

ANALYSIS

The proposed zoning request from existing RS-9 to IP consists of two tracts of land, both of which are contiguous to existing IP zoned property. Various church structures and other associated uses are currently located the existing IP zoned land. Under the UDO "Church or Religious Institution - Neighborhood Scale", along with various accessory uses, is currently permitted in RS-9 zoning with the same level of regulatory review as the proposed IP zoning classification. Neighborhood scale churches are defined in the UDO as having a seating capacity within the sanctuary of 600 or fewer people.

On the other hand, IP zoning allows a number of other uses which may, or may not be related to the customary operation of churches or religious institutions. Staff is concerned that some of the uses allowed in the IP zoning district, such as "Recreation Services, Outdoor," may not be fully compatible with adjacent residential neighbors as a stand-alone, non-church related use. Unlike tract 1 which is largely contiguous to either existing IP zoned land or a public street, tract 2 is narrower in configuration and juts into an area of RS-9 zoned land which is contiguous with existing homes. For this reason, staff is reluctant to support tract 2 of the proposed IP zoning request.

Given that churches and accessory church-related uses are currently allowed in the existing RS-9, staff recommends that tract 2 remain zoned under its current RS-9 designation.

FINDINGS

1. The two tracts of RS-9 zoned are contiguous to existing IP zoned property which is currently the site of an existing church and associated uses.
2. Neighborhood scale "Churches or Religious Institution" as defined in the UDO is currently allowed in the RS-9 zoning classification as well as in the proposed IP district.
3. Tract 1 is more contiguous with the existing IP zoned property.
4. Tract 2, which is narrower in configuration to tract 1, juts into other RS-9 zoned land.
5. Non-church related uses, which may be more intensive than church related uses are allowed in the IP district.
6. Some of the permitted IP uses may not be fully compatible with the location and configuration of tract 2.

STAFF RECOMMENDATION

Zoning: **APPROVAL** of tract 1; **DENIAL** of tract 2.

[For information purposes only: The draft *Legacy* plan indicates that the petitioner's site is located in the municipal services area of *Legacy's* growth management area.]

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

James Campbell, 788 Ash Street Drive, Rural Hall, NC 27045

We want to get all our property under one deed. We have no plans to use this property.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following point was made:

John Bost stated that when a church purchases a tract like this, they can't possibly tell you how they will be using it in the future.

MOTION: John Bost moved approval of the rezoning petition.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning