



DOCKET #: W2445

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
RS9

PETITIONER:
Piney Grove Baptist
Church, Inc.

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.48

MAP(S): 624874



December 20, 2000

Piney Grove Baptist Church, Inc.
c/o Pastor James F. Linville
4715 Indiana Avenue
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2445

Dear Pastor Linville:

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
Lucious B. Oliver, 545 N. Trade Street, Winston-Salem, NC 27101
Rodney Hughes, 4689 Tobacco Road, Winston-Salem, NC 27106
Laura Hines, 4620 Indiana Avenue, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: December 20, 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 Special Use Permit of Piney Grove Baptist Church, Inc.

SUMMARY OF INFORMATION:

Special Use Permit of Piney Grove Baptist Church, Inc. for the expansion of Institutional Parking in a RS-9 Zoning District: property is located on the south side of Indiana Avenue on both sides of Deshler Street (Zoning Docket W-2445).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: APPROVED WITH ADDITIONAL CONDITIONS

CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Piney Grove Baptist Church, Inc., Docket W-2445

AN ORDINANCE ISSUING
A SPECIAL USE PERMIT
FOR THE EXPANSION OF INSTITUTIONAL
PARKING IN A RS-9 ZONING DISTRICT

BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Board of Aldermen hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Vision 2005*.

Section 2. The Winston-Salem Board of Aldermen hereby issues a special use permit for the expansion of Institutional Parking in a RS-9 Zoning District in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Piney Grove Baptist Church, Inc. to be established on the following described property:

Tax Block 2093, Tax Lots 45, 46, and 47

Section 3. This Ordinance is adopted after approval of the site plan entitled Piney Grove Baptist Church, Inc. and identified as Attachment "A" of the Special Use Permit issued by the Board of Aldermen the _____ day of _____, to Piney Grove Baptist Church, Inc.

Section 4. The Board of Aldermen hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Piney Grove Baptist Church, Inc. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

COUNTY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of Piney Grove Baptist Church, Inc., (Zoning Docket W-2445). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit for the expansion of Institutional Parking in a RS-9 Zoning District, approved by the Board of Aldermen of the City of Winston-Salem the _____ day of _____, 19____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management plan submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. One-way entrance and exit signs shall be posted at the entrance and exit to the parking lot on the west side of Deshler Street.
 - b. Type III bufferyard, in lieu of a type I bufferyard, shall be required adjacent to parking areas where such areas abut RS-9 residential zoning districts.

ZONING STAFF REPORT

DOCKET # W-2445
STAFF: Gary Roberts

Petitioner(s): Piney Grove Baptist Church, Inc.
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: Special Use Permit, Institutional Parking in a Residential District

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

Acreage: 0.48 acre

LOCATION

Street: South side of Indiana Avenue on both sides of Deshler Street.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN

Proposed Use: Parking for church.
Parking: Required: 80 proposed: 92.
Bufferyard Requirements: Type I bufferyard adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family house used as Family Center for the church and zoned RS-9, and vacant land also zoned RS-9.

Adjacent Uses:

North - Across Indiana Avenue are Piney Grove Baptist Church and Piney Grove Park,
both zoned IP.

East - Single family homes zoned RS-9.

South - Single family homes zoned RS-9.

West - Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: Single family residential homes of average maintenance, and neighborhood public park across street.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: Some gradual sloping to the south away from Indiana Ave.

Vegetation/habitat: Very few, if any, trees or shrubs.

Constraints: Slight topographic consideration and pedestrians crossing a moderately busy street.

TRANSPORTATION

Direct Access to Site: Indiana Avenue.

Street Classification: Minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Indiana Avenue from Home Road to Cherry Street - 7,000/9,000.

Sidewalks: Existing along Indiana Avenue.

Transit: WSTA Route 10 along Indiana Avenue.

HISTORY

Relevant Zoning Cases:

1. W-2364; RS-9 to LO; denied February 7, 2000; east side of Cherry St. between Athens Dr. and Retnah Dr; 0.33 acre; Planning Board and staff recommended denial.
2. W-2346; HB to LI; approved November 1, 1999; south side of Indiana Ave. directly east of University Parkway; 1.11 acres; Planning Board and staff recommended approval.
3. W- 1103; B-3 (comparable to HB) to I-2 (converted to LI in the UDO); approved February 6, 1984; south side of Indiana Ave. approximately 350' east of University Parkway; 2.6 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The plan recommends the preservation of stable neighborhood areas.

Area Plan/Development Guide: *Piney Grove Comprehensive Neighborhood Plan* (1982)

Relevant Development Guide Recommendation(s): This request exists in an area that the Piney Grove Plan identifies for low density residential use. However, the plan identifies a large area across the street from these properties for public/semi-public use. Map 6 identifies pedestrian access and drainage problems in the Indiana Avenue/Grove Church Drive area. The plan addresses improved pedestrian walkways and surface drainage along Indiana Avenue. Although this would be primarily a public sector responsibility,

property owners will be required to contribute through assessments and perhaps donation of land for some additional right-of-way. Areas where problem soils place constraints on development should be held as open space/conservation while other, more suitable sites within the neighborhood are developed.

ANALYSIS

The request is to accommodate the parking needs of a growing church congregation. The site contains slightly less than one-half acre with the portion on the east side of Deshler St. being the location of the church's family center. The petitioner is requesting a Special Use Permit for the purpose of developing a parking lot for institutional (church) use in a residentially zoned area. The request is for a total of 12 spaces.

The growth of the church and expansion of its physical plant are the reasons for the request. The site's proximity to the church, other parking area, and institutional uses nearby provides ample justification for the granting of a Special Use Permit for additional parking at this location. As the greater downtown area and surrounding neighborhoods become revitalized, improvements of this type would be expected.

According to Section 6-1.5(D) of the "Zoning Ordinance" of the UDO, the Planning Board must make a number of findings in support of a favorable recommendation.

FINDINGS OF FACT:

1. The development is in conformity with *Vision 2005* as it relates to the specific area; Yes. Although the site will be altered as a result of construction of the parking area, the parking area will support operation of the existing church which will in turn help to stabilize and preserve the neighborhood.
2. Water and sewer are available in adequate capacity; Yes.
3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Yes. No buildings greater than 35 feet are proposed.
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard; Yes.
5. General layout and design of this development meet all requirements of this ordinance; Yes.

6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.); Yes.
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes.

In addition to these seven findings by the Planning Board, the Board of Aldermen must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the "Zoning Ordinance" of the UDO]:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved; Yes.
2. That the use meets all required conditions and specifications; Yes.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; Yes.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Vision 2005*; Yes.

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. One-way entrance and exit signs shall be posted at the entrance and exit to the parking lot on the west side of Deshler Street.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Pastor James F. Linville, 5080 Ramillie Run, Winston-Salem, NC 27106

The church has been in the area for 108 years. We try to make a profound impact on the community.

We had a committee that has knocked on doors and tried to find out if there was any sort of negativity toward us doing this and we didn't receive any. This is the first we've heard of drainage concerns.

We didn't realize there was any problem. We have not received any negative input about this project.

Lucious Oliver, 545 North Trade Street, Suite 3-G, Winston-Salem, NC 27105

The church has all the adequate parking it needs. This request is more of an asset to the property across the street which is used for youth activities.

One of the concerns is that people using this facility would not need to park across Indiana Avenue in the main church lot and cross Indiana Avenue.

It's mostly for convenience and used mainly in the summer for youth activities.

AGAINST:

Rodney Hughes, 4689 Tobacco Road, Winston-Salem, NC 27106

Tobacco Road is down in a field.

The only drainage system for this immediate area is immediately next to my house. I've had problems for years with drainage runoff. They have just fixed it with drainage pipes. It took us eight years to get that. I don't want problems again.

This is basically a power struggle. The church can't have the recreation center site or the neighbors to the other side, so they are coming across the street.

Laura Hines, 4620 Indiana Avenue, Winston-Salem, NC 27106

What impact would repairing buses here have on our property? Will it hurt our property values?

WORK SESSION

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

1. The proposal has about 7,000 sf of impervious surface. Considering the impervious surface in this area, that is not much and should not increase storm water runoff.
2. A type I bufferyard is required. That isn't much of a buffer between buses and residential.

MOTION: John Bost moved approval of the special use permit, certified that the site plan meets all code requirements and recommended staff conditions with the type I bufferyard being changed to a type III bufferyard.

SECOND: Arnold King.

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning