



DOCKET #: F1283

PROPOSED ZONING:
 IP-S (Church or Religious Institution, Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor)

EXISTING ZONING:
 AG

PETITIONER:
 Church of the Living God

SCALE: 1" represents 400'

STAFF: L. Weston

GMA: 5

ACRE(S): 35.35

MAP(S): 576882, 576886,
 582882, 582886

January 18, 2000

Church of the Living God
3955 Vienna Dozier Road
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT F-1283

Dear Sirs:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Lucious Oliver, 545 N. Trade Street, Suite 3-G, Winston-Salem, NC 27101
Kevin P. Donnelly/J H Batten, P. O. Box 879, 4880 Harley Drive, Walkertown, NC
27051

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

Zoning map amendment of the Church of the Living God

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of the Church of the Living God from AG to IP-S (Church or Religious Institution, Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor - TWO PHASE); property is located primarily on the northeast corner of Vienna-Dozier Road and Seward Road; property is bisected by Vienna-Dozier Road and Seward Road and a portion of the property lies on the west side of Vienna-Dozier Road and a small portion of the property lies at the southeast corner of Vienna-Dozier Road and Seward Road (Zoning Docket F-1283).

After consideration, the Planning Board recommended approval of the zoning map amendment, and certifies that the site plan meets all code requirements.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of the Church of the Living God,
Docket F-1283

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of the County of
Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County
of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North
Carolina, are hereby amended by changing from AG to IP-S (Church or Religious Institution,
Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor - TWO PHASE)

the zoning classification of the following described property:

Beginning at an iron stake, the northwest corner of C. A. Bailey, and running thence north 5E 52' east 1,226 feet to a stone; running thence south 84E 07' east 492.5 feet to a stone; running thence south 84E 07' east 492.5 feet to a stone; running thence south 5E 53' west 281.1 feet to a stone; running thence south 84E 45' east 794.3 feet to a stone; running thence south 28E 37' east 405.8 feet to an iron stake; running thence south 29E 23' west 475.9 feet to an iron stake; running thence south 33E 37' east 268.6 feet to an iron stake; running thence south 72E 00' west 448.9 feet to an iron stake in the center of Doub's Chapel Road; thence with the center of the said road the following courses and distances: north 69E 59' west 100 feet, north 59E 40' west 215 feet, north 66E 46' west 400 feet, north 79E 01' west 100 feet, north 59E 40' west 215 feet, north 66E 46' west 400 feet, north 79E 01' west 100 feet, and south 86E 02' west 138 feet to an iron stake in the center of Vienna-Dozier Road; running thence westwardly north 84E 08' to an iron stake; the place of beginning; and containing 35.35 acres more or less as surveyed by John D. Spinks, C.E., May, 1947.

Tax Lot 112, Tax Block 4602

Section 2. This Ordinance is adopted after approval of the site plan entitled Church of the Living God, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Church of the Living God.

Section 3. The Board of Commissioners 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 Church of the Living God. 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.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Church of the Living God (Zoning Docket F-1283). 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; Recreation Services, Indoor; and Recreation Services, Outdoor), approved by the Forsyth County Board of Commissioners the ____ day of _____, 19 ____" 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* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study 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.
- b. This property lies within the Yadkin River WS-IV State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. Driveway permits shall be issued by the North Carolina Department of Transportation.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. A ten (10) foot streetyard landscaping area shall be installed along the frontage of the property on the eastern side of Vienna-Dozier Road in front of the existing church, proposed church, and existing and proposed parking areas.
- b. All required storm water management devices shall be installed.

C OTHER REQUIREMENTS

- a. Tracts 1 and 2 are TWO PHASE areas that require a Final Development Plan to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions on said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:
 - 1. There shall be at least a one hundred (100) foot setback for all uses and buildings in Tract 1 from any adjoining property line.
 - 2. Tract 2 shall only be permitted two driveways. Said driveways must align with the driveways across the street on the existing church property.
- b. All "Recreation Services, Indoor" and "Recreation Services, Outdoor" must be operated by a public or not-for-profit organization.

ZONING STAFF REPORT

DOCKET # F-1283
STAFF Larry F. Weston

Petitioner(s): Church of the Living God
Ownership: Same

REQUEST

From: AG Agricultural District
To: IP-S Institutional and Public District (Church or Religious Institution,
Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor)

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

Acreage: 35.35 acres

LOCATION

Street: Northeast corner of Vienna-Dozier Road and Seward Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Church or Religious Institution, Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor.
Building Height: 40 feet maximum proposed; 60 feet allowed.
Square Footage: Approximately 11,400 square feet for new sanctuary proposed.
Parking: 150 spaces required; 187 spaces provided.
Bufferyard Requirements: No bufferyard is required. The site adjoins RS-20 and RS-40 zoning districts. There is a requirement for a ten (10) foot type II streetyard between Vienna Dozier Road and parking on the site.

PROPERTY SITE/IMMEDIATE AND GENERAL AREA

Existing Structures on Site and General Character of Surrounding Area: The site is already partially developed. There are several existing buildings, including one large structure containing approximately 14,000 sq. ft., a small dormitory structure, and several small cabins.

TRANSPORTATION

Direct Access to Site: Vienna-Dozier Road; Seward Road.
Street Classification: Minor thoroughfare.

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

Vienna-Dozier Road - 1,200/11,000 (1997)

Seward Road - 340/11,000 east of Vienna Dozier Road

Seward Road - 840/11,000 west of Seward Circle

Trip Generation/Existing Zoning:

Church (10,000 sq. ft.) sq. ft./1,000 x 9.11= 91 trips per day

Campground (est. 10 acres) x 74.35 per acre = 743 trips

Trip Generation/Proposed Zoning:

New church (11,400 sq. ft.) sq. ft./1,000 x 9.11= 103 new trips per day

Planned Road Improvements: One.

Sight Distance: Good.

Transit: None.

Bike Route: One.

HISTORY

There are no relevant zoning cases in the immediate area. There is one case that is generally applicable, since it involved a church-sponsored campground:

F-1215; RS-40 to RS-40-S (Campground, non-profit); withdrawn September 9, 1998; east side of Center Grove Church Road at its southern terminus (Camp Merriwood property); 66.0 acres; Planning Board continued case four times to allow consideration of text amendment pertaining to the case (UDO-37); petitioner withdrew rezoning after UDO-37 adopted, which addressed development considerations of applicant and concerns of neighbors; staff recommended approval of rezoning and text amendment.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 5: Rural.

Relevant Comprehensive Plan Recommendation(s): Limited residential and commercial development; preservation of the natural environment.

Area Plan/Development Guide: This site does not lie within the boundaries of an area plan or development guide.

ANALYSIS

The request is a TWO PHASE petition to rezone approximately 35 acres from AG to IP-S (Church or Religious Institution, Neighborhood; Recreation Services, Indoor; and Recreation Services, Outdoor). The existing camp facility is currently a legally non-conforming use, and has been in operation for many years. The camp provides opportunities for outdoor and other recreational activities for members of the Church of the Living God, their guests, and other groups. The project site is large, and activities on site apparently do not adversely impact neighboring properties.

The petitioner proposes to expand the existing facilities to include a new sanctuary structure in Phase One, campground activities, and additional recreation areas. This proposed expansion exceeds the one-time 25% expansion of existing structures allowed for legally nonconforming uses, and has triggered the rezoning request.

The site has a distinctively rural setting, with limited traffic and no intense business or residential uses nearby. The TWO PHASE approach does not provide detailed information on the scale or number of outdoor and indoor recreation uses that will be developed in the future. The Institutional and Public (IP) District is not expected to support activities that have an intensive land use impact, and activities in such a district should be clearly distinguishable from any similar commercial activities that may be permitted in any business zoning district. The purpose statement of the IP District states that it *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.*

In addition, the use conditions for Recreational Services, Indoor or Outdoor in the UDO (Section 2-5.58) requires that in the IP District, "The recreation services facility must be operated by a public or not-for-profit organization."

The previous Camp Merriwood cases cited above (F-1215; UDO-37) contain some similarities to the current proposal. The Board may recall that Camp Merriwood wanted to expand its facilities in a way not allowed under existing nonconforming use provisions; a request to rezone the property was first considered but then continued to allow consideration of revisions to the UDO to accommodate the proposed expansion. The text amendment first proposed establishing a new use (Campground, non-profit) with site standards (30 acre minimum site size; limitation on accessory activities, including retail, shooting ranges, and riding stables; maximum 10 RV camp sites; minimum 100' setback; bufferyards; impervious surface coverage; maximum 15,000 sf building size; access roads; limits on noise from public address systems). Agreement was not reached on this approach, and an alternative text amendment to revise provisions dealing with expansion of nonconforming uses was adopted. The major features of adopted UDO-37 are to allow limited expansion (maximum 25%) of nonconforming uses in either existing or new buildings on sites containing at least 50 acres; a master plan of the site is to be submitted.

The current site containing roughly 35 acres could not take advantage of the text amendment's provisions. Most of the improvements identified on the site plan currently exist. The major new improvements proposed are the new sanctuary and an additional parking area to the rear of the existing fellowship hall. These new improvements meet most of the earlier site standards considered in the earlier version of the text amendment (e.g., the new church is set back approximately 150' off the front property line at its nearest point; a condition applicable to the TWO-PHASE areas on the site plans requires a minimum 100' setback off property lines). Limitations on accessory activities, and limits on noise are not addressed; however, staff does not feel additional conditions relating to these are necessary because of the location of the main areas of activity near Vienna-Dozier Road and the largely undeveloped nature of the surrounding area.

As a legally non-conforming use, the site has been operating to one degree or another for a number of years. An expansion of the current use appears to be an appropriate consequence of the institution's growth and increasing demands in the County for additional recreational activities.

FINDINGS

1. The petition is consistent with *Vision 2005*.
2. As a church, the petitioner qualifies for Institutional and Public District designation.
3. The facility operating currently at the site is a legally nonconforming use.
4. The proposed site plan with staff conditions includes appropriate restrictions which should provide necessary protection for the surrounding community.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study 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.
- b. This property lies within the Yadkin River WS-IV State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. Driveway permits shall be issued by the North Carolina Department of Transportation.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. A ten (10) foot streetyard landscaping area shall be installed along the frontage of the property on the eastern side of Vienna-Dozier Road in front of the existing church, proposed church, and existing and proposed parking areas.
- b. All required storm water management devices shall be installed.

C OTHER REQUIREMENTS

- a. Tracts 1 and 2 are TWO PHASE areas that require a Final Development Plan to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any

reasonable conditions on said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:

1. There shall be at least a one hundred (100) foot setback for all uses and buildings in Tract 1 from any adjoining property line.
 2. Tract 2 shall only be permitted two driveways. Said driveways must align with the driveways across the street on the existing church property.
- b. All "Recreation Services, Indoor" and "Recreation Services, Outdoor" must be operated by a public or not-for-profit organization.

[*For information purposes only:* The draft *Legacy* plan continues to discourage rezonings to more intense districts in rural areas because of limited sewerage expectations and in order to protect the natural environment. *Legacy* does, however, recommend increasing coordination between governmental jurisdictions, institutions, and recreation providers to efficiently meet the recreation and open space needs of citizens.]

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved approval of the zoning map amendment, certifying that the site plan meets all code requirements and including staff recommendations.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of the Church of the Living God as of December 7, 1999.

A. Paul Norby, AICP
Director of Planning