

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3373
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Congregation of Ub Umessia
Owner(s)	Same
Subject Property	PIN# 6816-11-1685
Address	1401 North Peace Haven Road
Type of Request	Special use limited rezoning from RS9 to IP-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family – 9,000 sf minimum lot size) to IP-L (Institutional and Public – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Family Group Home A; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Swimming Pool, Private; Church or Religious Institution, Community; Golf Course; Library, Public; Planned Residential Development; School, Private; School, Public; Utilities; Child Day Care, Large Home; Habilitation Facility A; Park and Shuttle Lot; Urban Agriculture; and Access Easement, Private Off-Site <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	See Attachment B for a summary of the petitioner’s neighborhood outreach.
Zoning District Purpose Statement	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 Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the site is currently developed with a neighborhood scale church.</p>
GENERAL SITE INFORMATION	
Location	Eastern corner of North Peace Haven Road and Chester Road
Jurisdiction	Winston-Salem
Ward(s)	West
Site Acreage	±3.77

Current Land Use	The Messiah Moravian Church, which is a neighborhood scale church, is currently located on the site along with a detached office building which formerly served as the parsonage.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS9	Single family homes	
	East	RS9	Single family homes	
	South	RS9	Single family homes	
	West	RS9	Single family homes	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the proposed uses are the same uses which are allowed in the current RS9 zoning district.			
Physical Characteristics	The developed site includes several large hardwood trees and it has a gentle slope downward toward the southeast.			
Proximity to Water and Sewer	The site is served by public water and sewer.			
Stormwater/ Drainage	There are no known stormwater or drainage issues.			
Watershed and Overlay Districts	The site is not located in a watershed or overlay district.			
Analysis of General Site Information	The majority of the site is developed with a church and its associated parking. The site is not located within a watershed or floodplain and it is served with public water and sewer.			
RELEVANT ZONING HISTORIES				
There are no recent zoning cases in the vicinity of the subject property.				
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Peace Haven Road	Minor Thoroughfare	278'	14,000	15,800
Chester Road	Collector Street	210'	NA	NA
Hertford Road	Local Street	358'	NA	NA
Baron Road	Local Street	278'	NA	NA
Proposed Access Point(s)	Because this is a special use limited request with no site plan or access conditions, the exact location of access points is unknown. Currently the site is accessed from Peace Haven Road, Hertford Road, and Baron Road.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9</u> 3.77 acres / 9,000 sf = 18 units x 9.57 (SFR Trip Rate) = 172 Trips per Day			
	<u>Proposed Zoning: IP-L (Based upon the existing use)</u>			

	20,578 / 1,000 sf x 9.11 (Church Trip Rate) = 187 Trips per Day.
Sidewalks	Sidewalks are located along both sides of Peace Haven Road.
Transit	Route 109 runs along Robinhood Road, located approximately 1,900' to the north.
Analysis of Site Access and Transportation Information	The site is located at the signalized intersection of a minor thoroughfare and a collector street. Peace Haven Road has sidewalks located on each side. Staff does not foresee any negative transportation related issues associated with this request.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> Encourage the revitalization of institutional and commercial uses that are integral parts of neighborhoods.
Relevant Area Plan(s)	<i>West Suburban Area Plan Update (2018)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> The subject property is recommended for institutional use. Existing institutions should be permitted to grow and expand in a manner that is compatible with surrounding neighborhoods.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone a 3.77 acre lot which is currently developed with a neighborhood scale church (seating capacity of 600 persons or less) from RS9 to IP-L. The recently adopted <i>West Suburban Area Plan Update</i> recommends institutional use for the site. The site meets the intent of the IP zoning classification and the IP district is a common zoning classification for institutional uses such as schools and churches. The site is located at the intersection of a minor thoroughfare and a collector street within a single family residential setting.</p> <p>The IP-L zoning classification will allow for an electronic message board sign to be installed and the UDO limits the message transitions to two-hour increments. The IP district also allows larger freestanding signs than the existing monument type sign now located on the site as allowed in the RS9 district. The maximum height of signs in IP is eight</p>

(8) feet with a maximum copy area of fifty (50) square feet compared with a height of six (6) feet and a maximum area of thirty-six (36) square feet in the current RS9 district. While Planning staff supports the subject rezoning request, staff feels that the smaller monument type sign may be more in keeping with the residential character of this portion of Peace Haven Road. [Update: The applicant has agreed to the smaller sign size dimensions referenced above.]

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The site is currently developed with a neighborhood scale church which is an appropriate use for the IP zoning district.	The IP-L zoning will allow an electronic message board sign.
The request is consistent with the recommendations of <i>West Suburban Area Plan Update</i> .	
The proposed land uses are the same as those allowed in the current RS9 district.	
The request is consistent with the purpose statement of the IP district.	

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **OTHER REQUIREMENTS:**
 - a. The subject property shall be limited to one (1) electronic message board sign. Said electronic message board sign shall only be permitted along the Peace Haven Road street frontage.

STAFF RECOMMENDATION: APPROVAL

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

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3373
JULY 12, 2018**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: Ed Scott, 130 Coventry Park Lane, Winston-Salem, NC 27104

- I am a member of Messiah Moravian Church.
- We are in agreement with the planning staff for the limitation to the small size in square footage and the height, which is in keeping with the sign that is already there.
- The sign that is there now was in keeping with the zoning at the time it was constructed. It is florescent, lit on both sides; it's simply being replaced with a digital sign.
- We are in agreement with the two-hour limit of message changing on the sign board.
- We have assurance from the sign company that we can alter and control the illumination; therefore, we do not anticipate any additional illumination.
- We are here in support of the changes that have been discussed with the planning staff.

AGAINST: John Merschel, 3400 Paddington Lane, Winston-Salem, NC 27106

- I live right outside of the 500' notification radius.
- Although they are agreeing to limit the sign to six (6) feet, the sidewalk is about two (2) feet below the grade level of the sign, so you are still talking an effective height from the sidewalk of eight (8) feet up. That is a big sign.
- I don't understand the need for an LED message board sign that changes. I don't get the marketing for a Moravian church to have that type of sign.
- The neighborhood is RS9 from the fire department all the way down to Country Club Road, as far as I'm concerned. IP is okay, but the change is strictly for the sign.
- This is a solution to a problem that isn't there. This is the sort of lighting you might see at Christmastime. You don't see this type of sign on a Moravian building.
- It doesn't belong in a residential neighborhood.

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition with the condition of a six foot maximum sign height, 36 square feet of copy area, and limitation of one electronic sign along Peace Haven Road.

SECOND: Chris Leak

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe,
Chris Leak

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services