

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3425
Staff	Gary Roberts, Jr., AICP
Petitioner(s)	Redeemer Presbyterian Church
Owner(s)	Same
Subject Property	PINs 6825-30-3345, 6825-30-5497, 6825-30-6400, and a portion of PIN 6825-30-4448
Address	1030 and 1036 Miller Street
Type of Request	Special Use rezoning from RS9 to IP-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single Family – 9,000 square feet minimum lot size) to IP-S (Institutional and Public – Special Use zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Single Family; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; and School, Private <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	A summary of the petitioner’s neighborhood outreach is attached.
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 located within a residential area and is directly adjacent to a neighborhood-scale church with IP and IP-S zoning.</p>
GENERAL SITE INFORMATION	
Location	West side of Miller Street, south of South Hawthorne Road
Jurisdiction	City of Winston-Salem
Ward(s)	Southwest
Site Acreage	± 1.12 acres
Current Land Use	The two structures on the subject property which front on Miller Street were constructed as single-family homes. They are currently used for classroom space for Redeemer Presbyterian Church. A barn is also located on the site.

Surrounding Property Zoning and Use	Direction	Zoning District	Use			
	North	RS9	Single-family homes			
	East	RS9	Single-family homes			
	South	IP-S and IP	Redeemer Presbyterian Church			
	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 residential and institutional uses are compatible with the uses permitted on the adjacent RS9, IP, and IP-S zoned properties.					
Physical Characteristics	The developed site has a gentle slope downward to the west.					
Proximity to Water and Sewer	The site has access to public water and sewer within Miller Street.					
Stormwater/ Drainage	The proposed parking lot expansion is below the development thresholds that require stormwater management.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Historic, Natural Heritage and/or Farmland Inventories	The subject property is located within the Ardmore National Register Historic District. Both the Swann House (located at 1036 Miller Street) and the garage/barn located behind the Gobble House (located at 925 South Hawthorne Road) are contributing structures within this district. No demolition of these historic structures is proposed.					
Analysis of General Site Information	The site is located between a neighborhood scale church and other single-family homes. The site is within the Ardmore National Register Historic District, and the site plan shows the retention of two contributing structures within this district.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3184	RS9 to IP-S	Approved 7/1/2013	Directly south	.21	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Miller Street	Minor Thoroughfare	151 feet	7,200	13,800		
Proposed Access Point(s)	The site will continue to use the two existing driveways from Miller Street; however, the primary access will be the off-site driveway from Miller Street located directly south.					
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a two-lane cross section with on-street parking on one side and sidewalks for Miller Street.					

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> $1.12 \times 43,560 / 9,000 = 5 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 48 \text{ Trips per Day}$</p> <p><u>Proposed Zoning: IP-S</u> $4,363 \text{ sf} / 1,000 \times 9.11 \text{ (Church Trip Rate)} = 40 \text{ Trips per Day}$</p>	
Sidewalks	Sidewalks are located along both sides of Miller Street.	
Transit	WSTA Route 80 serves South Hawthorne Road approximately 170 feet to the north and Route 100 serves Miller Street in front of the subject property.	
Connectivity	See comments below in the analysis section.	
Analysis of Site Access and Transportation Information	The site has good access with frontage on a minor thoroughfare. The rear portion of the site is currently accessed via an adjacent, off-site driveway. As shown on the site plan, this driveway would be widened to 18 feet to accommodate one-way traffic flow. This request would create a connection between two internal church parking areas, which would improve circulation between Miller Street and Melrose Street. No additional traffic is anticipated as no new buildings are proposed.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	4,363	Fronting on Miller Street
Parking	Required	Proposed
	92 spaces for the adjacent church	120 spaces, 9 of which are on the current site
Building Height	Maximum	Proposed
	60 feet	One story
Impervious Coverage	Maximum	Proposed
	60 percent	46.2 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.5 (A) Institutional and Public District Chapter B, Article II, Section 2-5.21 and 22 Use Conditions for Church or Religious Institution, Community Scale and Neighborhood Scale 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	N/A
	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	<p>The site plan shows the retention of one accessory building and two structures which were originally constructed as single-family homes. Also included is a modest expansion of vehicular parking and circulation areas.</p> <p>A Type II bufferyard is shown adjacent to the RS9 properties not owned by the church. Because the church owns and uses the property at 925 South Hawthorne Road, a bufferyard is not required. However, the site plan shows the deciduous tree plantings that would normally be required in a Type II bufferyard. The applicant has proposed a condition that any remaining plantings required in a Type II bufferyard are to be installed should the adjacent property be sold in the future.</p>	

CONFORMITY TO PLANS AND PLANNING ISSUES

<p>Legacy 2030 Growth Management Area</p>	<p>Growth Management Area 2 - Urban Neighborhoods</p>
<p>Relevant Legacy 2030 Recommendations</p>	<ul style="list-style-type: none"> • Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. • Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas. • Review current standards for institutional expansion for neighborhood compatibility issues. • Promote compatible infill development that fits with the context of its surroundings.
<p>Relevant Area Plan(s)</p>	<p><i>Southwest Winston-Salem (2016)</i></p>
<p>Area Plan Recommendations</p>	<ul style="list-style-type: none"> • The subject properties are shown for single-family residential use on the Proposed Land Use Map. • Existing institutions should be permitted to grow and expand in a manner that is compatible with surrounding neighborhoods. Because of the unique nature of institutions (many of which are allowed by right in residential zoning), it is not possible to indicate on the Proposed Land Use Map all properties for which institutional use would be appropriate. This plan makes the following general recommendations: <ul style="list-style-type: none"> • Retain older single-family structures adjacent to institutional uses. • Maintain neighborhood character by buffering lots with streetyards when converting parcels to parking lots for institutional uses in residential districts. • Encourage institutions owning single-family homes adjacent to their properties to maintain these structures in good condition. • Institutional uses, such as schools, churches, community health clubs and organizations, nonprofit agencies, and governments, are often integrated into surrounding residential neighborhoods. For this reason, institutions seeking to expand their facilities need to carefully examine how their plans may impact nearby residences. Institutions are valued land uses and should be permitted to grow; however, a balance between existing neighborhoods and institutional uses, which often serve a larger community, should be maintained. • Rezoning of residential property for higher density residential or nonresidential institutional development should be considered only when appropriate vacant or underutilized land is not available, when vacant or underutilized nonresidential buildings are not available, or when the area is not a part of an established neighborhood.

	<ul style="list-style-type: none"> • Parking areas should be located to the rear or to the sides of buildings and should be attractively screened with fences and plantings designed to be compatible with the surrounding neighborhood. Large expanses of paving should be divided into smaller components with interior planting areas and alternating materials (brick paver areas, staining, etc.). • Many institutional uses found in the plan area are surrounded by single-family residential uses. As these facilities grow, tearing down single-family structures can be detrimental to the fabric of the neighborhood. New construction or additions to institutional uses can have a negative effect on adjacent single-family homes because institutional uses typically have a larger building footprint and massing.
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 <i>Legacy 2030</i>?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>Presently, the campus of Redeemer Presbyterian Church occupies a former public school site and blends well into the character of the surrounding neighborhood. This request proposes a modest expansion along the northern edge of the church property.</p> <p>The <i>Southwest Winston-Salem Area Plan</i> recognizes it is not possible to indicate all properties where institutional uses would be appropriate. The plan recommends allowing existing institutions to grow and expand in a manner that is compatible with neighborhood character. Staff believes the request is consistent with this recommendation because it retains the three existing structures, does not include a new driveway, and limits parking expansions to an internal portion of the site. As noted previously, two of these structures are contributing elements within the Ardmore National Register Historic District.</p> <p>The request is consistent with <i>Legacy</i> in that it would maintain the pedestrian-friendly streetscape along Miller Street. Staff is conscious of the need to accommodate reasonable expansions of institutional uses within the context of a broader residential setting. The request achieves an appropriate and sensitive balance between the surrounding single-family homes and the church.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the purpose statement of the proposed IP-S district.	The request would permit a small expansion of institutional zoning into a single-family residential neighborhood.
The request would provide for an appropriate transition between residential and nonresidential uses.	
The pedestrian-friendly streetscape along Miller Street would be retained along with the contributing structures within the <u>Ardmore National Register Historic District</u> .	
The request will facilitate improved vehicular circulation between Miller Street and Melrose Street.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permit. Required improvements include: <ul style="list-style-type: none"> • Dedication of right-of-way thirty-seven and one-half (37 ½) feet from the centerline of Miller Street. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> a. All required improvements of the driveway permit shall be completed. • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. The petitioner shall ensure that any pruning of the roots of trees shown on the site plan to remain shall be done by sawing, rather than ripping. b. If the petitioner sells the remainder of PIN 6825-30-4448 (925 South Hawthorne Road), any remaining required bufferyard plantings shall be installed between IP-S and RS9 zoning. c. No electronic message board signs shall be permitted. 	

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-3425
DECEMBER 12, 2019**

Gary Roberts presented the staff report.

Melynda Dunigan asked in the event an unforeseen act should take place, such as the structures on the two single-family lots burning down or becoming deteriorated, what would happen to the properties. Gary Roberts stated that staff would be looking for a structure very similar in character to what is on the property now. Requirements are not specified in the conditions, but Aaron King added that the site plan labels those structures “existing houses to remain,” so in the event an unforeseen act should occur and somebody wanted to put a new structure back on the site, staff would be looking for houses with similar character.

Jack Steelman asked in the event the church were to sell those properties to another church, would staff still require the reversion of the zoning back to RS9. Gary stated that the wording is “if the property sells,” meaning regardless of who were to actually buy it. It is a level of protection that the petitioner has volunteered and staff has agreed to.

PUBLIC HEARING

FOR:

Rob Alexander, 2253 Westover Drive, Winston-Salem, NC 27103

- I’m an elder at Redeemer Presbyterian Church. I live two blocks from the church in the Ardmore neighborhood. It’s almost impossible to get out of the driveway with the way traffic is some parts of the day, as was seen in the photograph. We have a number of elderly and handicapped folks in our congregation, and getting in and out of that driveway, especially northbound, is very dangerous. Almost every night of the week, there are guests that come to the church using the church as members of the neighborhood and other non-profits in the neighborhood, and a number of years ago there was somebody killed in front of the church getting out of their car. So from a safety and security standpoint, pulling parking off the street and moving it into the parking lot as much as possible is very important to us.
- The church is committed to maintaining the residential nature and look and feel of the neighborhood. That is why we have agreed to the restrictions. There is no intention to tear down those houses or have them look anything different than the residential character that they are in now. We’re using them for residences and offices, which is allowed under the residential use policy, but we feel that the total IP-S allows us to use

this green space in the back of the church, with an appropriate bufferyard, that would be required in order to be a good neighbor to our neighbors next to the church.

- We have attempted to work with the Ardmore Neighborhood Association. We want to be a good neighbor. I have personally worked through three generations of the Ardmore Neighborhood Association trying to move this project along. That brings us to the point we are today.

George Bryan asked what the need was to include the two single-family properties in the IP. Mr. Alexander stated that if they weren't included, the bufferyard could have essentially been in the back of those properties, and the greenspace that the church would like to use back there, and which is now being used, would have a large landscape bufferyard running through the middle of it. The intent is to use all of the greenspace together. The church is also potentially bumping up against an impervious surface requirement, and the church wanted to have all that property contribute to the impervious requirement.

Paul Fidishun, 6514 Doorknob Drive, Greensboro, NC 27410

- I'm a landscape architect for MLA Design Group. Mr. Alexander and the church have been very good to work with on this project. They are very agreeable to working with the neighborhood. We don't have a whole lot of clients that work to that extent with their neighbors. They are in favor of keeping the houses that are there with the character of the neighborhood. They understand they are restricted to any further building on this property. They will keep what is shown on the site plan, with the understanding that if there are any revisions in the future, they would have to come through this entire process again.
- They have volunteered several of the conditions seen on the plan. The bufferyard requirement between the residential property that is remaining residential and the one that they are seeking to be rezoned, they are volunteering to put in a part of that buffer now. The church was agreeable to working with the adjacent neighbor for the type of plants that will be going in. They are agreeable to work with the neighbors on any drainage discussions that come up.
- We are looking at how much impervious surface is on the properties. And I know that if we got to a point where we would be required to have stormwater quality or quantity controls that we could remove a driveway or move some impervious surface someplace else and compensate for that.

Roger Henderson, 2680 Amesbury Road, Winston-Salem, NC 27103

- I am a deacon at the church, and also serve as their finance officer. I want to just reiterate that the church and its mission is to be a good neighbor and a servant to all. None of these changes that we have seen have been conceived in any other fashion other than to make it better and easier for the people that use the church. It doesn't particularly add any capacity to its service, but it does add to its ability to serve, just via convenient parking - getting more parking off the street. As Mr. Fidishun just said, there is a really good chance that two driveways on the existing structures would be eliminated. To do

that would not only add more greenspace but further move the traffic through the Miller Street entrance.

- It was misstated a little earlier: That is not a one-way driveway on Miller Street, it is two ways. It's narrow, but it is two ways. We are contemplating making that one way off of Miller Street through the lot and any exit from that through the Melrose Street connector.

AGAINST:

Robert Newman, 1341 Berwick Road, Winston-Salem, NC 27103

- I am the president of the Ardmore Neighborhood Association, and I am standing here today in opposition to the plan proposed by Redeemer Presbyterian Church.
- Ardmore is unable to grow. We are entirely landlocked and can only shrink in stature. One of the main goals and purposes of the Ardmore Neighborhood Association (ANA) is to fight for every inch of Ardmore to keep all aspects of its remaining zoned area residential. Redeemer's growth may be a blessing to them but not to us. We can't afford to allow any entity to impede on our neighborhood and to change its structure from anything different than residential zoning.
- Redeemer has been a wonderful neighbor, and we have appreciated working with them in the past, and I believe they will continue to be one regardless of this outcome. However, friends or foes, we cannot support any type of zoning change.
- Additionally, I don't believe any type of DOT study has been done. This area, as you can see from your pictures, is already failing with traffic issues in the eyes of the neighbors and those trying to get to work every morning. This additional cut-through seems as if it would add to the chaos with people trying to take advantage of the new connection and trying to beat the light at Hawthorne Road.
- The ANA does not believe the proposed plan meets the needs of the neighborhood and we stand in opposition. However, we do have a question for the Planning Board. If this were to go through, regardless of opposition, could the church be allowed to not change the RS9 status of the homes and simply move the vegetation barrier between the properties they own and the ones they don't for the screening requirements? It was brought to our attention at the November 20th meeting that this was one of the critical factors, as was stated earlier, in requesting the zoning changes for those homes, to allow the staff and congregation the ability to move back and forth on campus without marching through shrubbery, as well as taking people away from a very busy Miller Street. Or would the Planning Board approve the request conditional on the houses remaining as residential uses striking all of the institutional public uses which the church maintains it has no plans to use these homes for anyway?

Darren Rhodes, 1031 Miller Street, Winston-Salem, NC 27103

- I live across the street from the two residential structures in question. I have lived there for 20 years. And while I by no means represent the neighborhood, I would like to say as a property owner that the church has been a good neighbor during that time, and I feel that their request, in most respects, is compatible with the neighborhood. I do have some

concerns, and those have been echoed by the neighborhood association, related to the necessity of the institutional rezoning.

- My main concern is making sure that as much as possible the residential structures maintain their residential character. I understand that they are going to be used institutionally, but, for instance, the driveways, if at all possible I would like to have the driveways retained. Because if those are removed for impervious surface requirements, it could change the character of the residential properties.
- Also, it was mentioned by the applicant that the driveway would be one way - I believe it is shown on the site plan as being a one-way drive - I'm not sure if that would be required, but that would also be something of a concern, to make sure that that doesn't become a two-way drive. There is also a school there, making sure the drive is not to be used for drop-off for the school because that would likely cause traffic backup on an already busy street.
- Before I signed up to speak, I found that you had to sign up in either opposition or in support; I am not adamantly opposed, and I'm not a huge supporter either. I would like for it to be like it was when I moved out there 20 years ago, but things change. For the most part the park-like setting behind the houses is really nice. If that can be retained and that's on the site plan as being retained in terms of the greenspace, the trees, I think that is a good thing for the neighborhood. Because greenspace is a premium in Ardmore.
- Ms. Dunigan mentioned the scenario of the houses being destroyed, my concern would be if they were intentionally torn down. Is that something that is allowed? Evidentially that is something that has been addressed with the Planning Board.

Melynda Dunigan stated that the uses under the IP-S zoning do not appear to be uses that would not be allowed in RS9 already. Melynda asked the petitioner whether or not they were planning on requesting any additional uses. The petitioner replied "no."

WORK SESSION

There was discussion about the different scenarios for where the bufferyard could go. Aaron King stated that one issue of the rezoning is the new asphalt going in on that property (today RS9). If you are going to put that parking in, you have to rezone it or get a Special Use permit from the City Council. That area, in order to do this, would have to be rezoned.

By putting those properties under a Special Use site plan, and holding to what is on the site plan, the Board would actually be giving more control to the neighborhood by pinning them down to specifics; whereas, if they were left out and they were RS9, those properties could be issued a demo permit if one was applied for tomorrow. Under this plan, that could not happen. The site plan provides greater restrictions and protections to the neighborhood.

George Bryan asked if institutional (zoning) meant that dumpsters could be put behind these houses. Gary Roberts responded that would not be allowed without one being shown on the site plan. There is one dumpster that is centrally located. There was discussion of things the petitioner would be held to in terms of institutional zoning for this property such as lighting. Aaron stated that the site plan does not show anything that would necessitate the need for commercial lighting.

Melynda stated that she could see the need for the drive and the property containing the barn to be rezoned to IP so that the road could be put through to improve circulation, but she did not see a valid justification for rezoning the two properties on Miller Street. They have no intention of changing the uses that they are already using those properties for, which are allowed in residential. The neighborhood is justifiably concerned about institutional (uses) creeping in beyond what is already proposed here. Melynda stated it would be like a domino effect. The Gobble House is being split in zoning under this proposal and would make that house less viable as a residential property. It would also have a very short setback.

Melynda stated that her biggest concern is the impact this could have on the homes fronting on Hawthorne Road. Should this be approved, there is greater justification for rezoning the Gobble property to IP, and that then splits the whole block. Melynda stated that she sees that as a long-term threat to the viability of single family on that stretch of Hawthorne Road. The petitioners are saying they want the land behind the two Miller homes as a buffer and more greenspace, but it could just as easily be used as a parking area, and all they would need is a site plan amendment to put in a larger parking area. Melynda stated she would not object to rezoning the lot by the barn so that they could put in the drive, but she did not see justification for the additional rezoning beyond what Mr. King stated about the protection from demolition. Melynda stated her nonsupport for the request.

Chris Leak asked Aaron to elaborate and give staff's thoughts on the concerns Melynda expressed.

Aaron reiterated that staff wants institutions to be sensitive to the neighborhoods they are in, and protecting those homes was seen as a viable piece of the request. Staff also saw that putting a regulatory instrument in place that prohibits those houses from being torn down to preserve the character of the neighborhood was a good thing. Aaron stated that Melynda was correct in that, if this request is approved by City Council, and some years down the road they want to put parking in, the applicant would have to come back and file a Site Plan Amendment. If you have RS9 property that you want to put parking on, and it is left out, it's either a Special Use Permit from City Council or rezoning. Keeping the houses in character with the neighborhood, not having electronic message board signs, and trying to be sensitive to the surrounding areas are some of the things that staff considered in making their decision.

MOTION: Jason Grubbs recommended that the Planning Board find that the request is consistent with the comprehensive plan, with stated conditions.

SECOND: Jack Steelman

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

MOTION: Jason Grubbs recommended approval of the zoning petition, with stated conditions.

SECOND: Jack Steelman

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

Aaron King

Director of Planning and Development Services