



DOCKET #: W2505
 (Continued from 9/13/01
 CCPB meeting)

PROPOSED ZONING:
 RM8-S (Child Day
 Care Center)

EXISTING ZONING:
 RS9

PETITIONER:
 Gloria Dykes

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.54

MAP(S): 612838



November 16, 2001

Gloria D. Dykes
2453 Griffith Road
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-2505

Dear Ms. Dykes:

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, 4403 Winnabow Road, Winston-Salem, NC 27105
Melissa Walton, 2004 Winding Ridge Road, Winston-Salem, NC 27127
Timothy Thomas, 1324 Pleasant Street, Winston-Salem, NC 27107
Jerry T. Scott, 115 Luzelle Drive, Winston-Salem, NC 27103
Bill Orrell, 100 Luzelle Drive, Winston-Salem, NC 27103
Ramelle Shuler, 2208 Bowen Blvd., Winston-Salem, NC 27105
Evelyn Dean, 3201 Plantation Road, Winston-Salem, NC 27105
Danzwella Dykes, 4825 Commercial Plaza Street, Apt. 104-A, Winston-Salem, NC
27104
Marie Smith, 1235 Jonestown Road, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: November 16, 2001
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 Gloria D. Dykes from RS-9 to RM-8-S (Child Day Care Center): property is located on the east side of Griffith Road north of Hampton Road (Zoning Docket W-2505).

SUMMARY OF INFORMATION:

Zoning map amendment of Gloria D. Dykes from RS-9 to RM-8-S (Child Day Care Center): property is located on the east side of Griffith Road north of Hampton Road (Zoning Docket W-2505).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: AVANT, BOST, CLARK, KING, NORWOOD, POWELL,
SCHROEDER, SNELGROVE
AGAINST: DOYLE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Gloria D. Dykes, Docket W-2505

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 RM-8-S (Child Day Care Center) the zoning classification of the following described property:

Tax Block 3934, Tax Lot 3F

Section 2. This Ordinance is adopted after approval of the site plan entitled Wee 4 Kiths and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Gloria D. Dykes.

Section 3. The Board of Aldermen 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 Wee 4 Kiths. 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.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT 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 District Permit for the site shown on the site plan map included in this zoning petition of Gloria D. Dykes, (Zoning Docket W-2505). 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 RM-8-S (Child Day Care Center), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the RM-8-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

PRIOR TO THE ISSUANCE OF ANY PERMITS

- a. A variance must be approved by the City Zoning Board of Adjustment for an encroachment into the required side bufferyard.

PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.

PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall obtain a grading permit if more than 10,000 square feet is disturbed.
- b. Developer shall dedicate right-of-way of a minimum of forty (40) feet from the centerline of Griffith Road in fee simple to the North Carolina Department of Transportation along the entire frontage of the property along Griffith Road.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall widen Griffith Road eighteen (18) feet from centerline with curb and gutter along the entire frontage of the property. Additionally, developer may be required to install some ribbon pavement widening on the west side of Griffith Road for the installation of turn lanes into this property. Both of these widenings shall be installed to the specifications of the Public Works Department of the City of Winston-Salem and the NCDOT. Approval of the road work by the NCDOT will include placing final overlay pavement on the road and the posting of a bond during construction of the road work.
- c. Install public fire hydrants in accordance with the City Fire Department and Utilities Department.

OTHER REQUIREMENTS

- a. Sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

ZONING STAFF REPORT

DOCKET # W-2505
STAFF: Gary Roberts

Petitioner(s): Gloria D. Dykes
Ownership: Same

CONTINUANCE HISTORY: This petition was continued at the September 13th Planning Board meeting in order to allow the petitioner to modify the site plan to comply with the code requirements. The applicant has reduced the maximum number of children from 42 to 24. While this reduction will lessen the required parking and play area square footage, it does not address the sight-distance problem.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RM-8-S Residential Multifamily District; maximum density 8 units/acre (Child Day Care Center)

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

Acreage: 0.54 acre

LOCATION

Street: East side of Griffith Road north of Hampton Road.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Child Day Care Center.
Square Footage: 2,905 square feet.
Building Height: 18 feet.
Parking: Required: 6 spaces; proposed: 6 spaces.
Bufferyard Requirements: Type II bufferyard adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residence.
Adjacent Uses:
North - Undeveloped lot zoned RS-9.
East - Undeveloped lot zoned RS-9.

South - Single family residence zoned RS-9.
West - Undeveloped lot zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained single family homes on large lots.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing structure to remain, grading to accommodate parking in front yard.

Topography: Gradual slope downward to the south.

Vegetation/habitat: Well maintained residential yard.

Water supply watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Griffith Road.

Street Classification: Minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
5,500/16,000.

Trip Generation/Existing Zoning: $.54/9,000 = 2 \text{ lots} \times 9.57 = 19$ average weekday trips.

Trip Generation/Proposed Zoning: $2,905\text{sf}/1,000 = 2.905 \times 79.26 = 230$ average
weekday trips.

HISTORY

Relevant Zoning Cases:

1. W-2381; RS-9 to RM-8-S (Residential Building, Multifamily); approved May 1, 2000; east side of Griffith Road south of Emsley Street; 1,500 feet south of current site; 39.34 acres; Planning Board and staff recommended approval.
2. W-2119; RS-9 to RM-8-S (Residential Building, Multifamily); withdrawn February 7, 2000; north side of Hampton Road, east of Scott Hollow Drive and Griffith Road, 900 feet east of current site; 14.73 acres; Planning Board recommended denial, staff recommended approval.
3. W-2091; RS-9 to LO; approved October 7, 1996; east side of Griffith Road, north of Griffith Plaza Drive; 0.97 acre; Planning Board and staff recommended approval.
4. W-1864; R-6 to R-1-S (Planned Residential Development; Nursing Home; Dwellings: Single Family; and Dwellings: Multifamily); approved January 3, 1994; southwest side of Burke Mill Road, east of Bethel Church Road, and east side of Griffith Road, south of Burke Mill Road; 25.77 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for child care facilities that are located and designed to be convenient for parents, safe for children, and compatible with their neighbors. One of the action agenda items in the plan is for the City-County Planning Board to develop policy guidelines for the location for child care facilities.

Area Plan/Development Guide: *South Stratford Road Development Guide* (1989).

Relevant Development Guide Recommendation(s): The development guide calls for this area of Griffith Road near Hampton Road to develop in single family residential uses.

ANALYSIS

The subject request is to rezone a 0.54 acre lot on the east side of Griffith Road from RS-9 to RM-8-S (Child Day Care Center). Currently the 2,905 square foot residence on the site also operates as a small home day care with 8 children. Approval of the requested day care center would allow an increase to 24 children and make day care center the principal use of the property.

The general area is characterized by large lot single family residential uses along a fairly busy minor thoroughfare. Multifamily and industrial uses are present further south along Griffith Road.

The *South Stratford Road Area Plan* calls for low density residential use on the subject property. The existing small home day care provides a convenient public service to the surrounding area at an appropriate scale. The existing structure serves primarily as a single family residence and lacks the increased vehicular activity, signage and expanded parking area that a full scale day care center would entail.

Staff has concerns with supporting this institutional use when surrounded by uses of a much less intensive nature. RM-8-S zoning on the subject property would further hasten the conversion of this semi-rural portion of Griffith Road to uses incompatible with both the area plan and the existing residences. In addition, the site is poorly sited from a traffic safety standpoint. Griffith Road has a vertical crest approximately 220 north of the proposed day care center driveway. City Department of Transportation staff studied the sight distance issue and determined there is insufficient sight distance between the crest of the hill and the proposed driveway. Although staff is recommending road improvement including widening and a left turn lane, those improvements would not mitigate the sight distance problem.

FINDINGS

1. *Legacy* calls for child care facilities that are located and designed to be convenient for parents, safe for children, and compatible with their neighbors. The subject request falls short of meeting the latter two of these three objectives.

2. The *South Stratford Road Area Plan* recommends low density residential for the subject property.
3. The proposed RM-8-S zoning and Day Care Center use would be inconsistent with the surrounding low density single family residential properties.
4. Staff sees single family residential remaining a viable use for the subject property.
5. There is an existing sight distance problem due to the crest of a hill located approximately 220 feet north of the proposed driveway.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

PRIOR TO THE ISSUANCE OF ANY PERMITS

- a. A variance must be approved by the City Zoning Board of Adjustment for an encroachment into the required side bufferyard.

PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.

PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall obtain a grading permit if more than 10,000 square feet is disturbed.
- b. Developer shall dedicate right-of-way of a minimum of forty (40) feet from the centerline of Griffith Road in fee simple to the North Carolina Department of Transportation along the entire frontage of the property along Griffith Road.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall widen Griffith Road eighteen (18) feet from centerline with curb and gutter along the entire frontage of the property. Additionally, developer may be required to install some ribbon pavement widening on the west side of Griffith Road for the installation of turn lanes into this property. Both of these widenings shall be installed to the specifications of the Public Works Department of the City of Winston-Salem and the NCDOT. Approval of the road work by the NCDOT will include placing final overlay pavement on the road and the posting of a bond during construction of the road work.
- c. Install public fire hydrants in accordance with the City Fire Department and Utilities Department.

OTHER REQUIREMENTS

- a. Sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

PUBLIC HEARING - September 13, 2001

Gary Roberts presented the staff report. Greg Turner with WSDOT was also available.

FOR:

Gloria D. Dykes, 2451 Griffith Road, Winston-Salem, NC 27103

I've been living on this street for nine years. Since I've been there, I've seen no accidents whatsoever. The street is busy, but not continuously.

We do have plans to do some renovations to the driveway. We feel if the driveway is moved to the southern end of the property, it would alleviate some of your concerns.

Showed photographs of the site.

The parents of children I'm keeping now have no problems.

If we could lower the speed limit, and place caution signs there, it would resolve the problem

This request would benefit many people who work in this area.

Melissa Walton, 2004 Winding Ridge Road, Winston-Salem, NC 27127

My daughter has attended this day care since July. At no time yet have I experienced any difficulty getting in or out of the site, even during "peak hours". I've never had a close call here.

There are not many quality day cares in this side of town. It has taken a long time for me to find one that has met my standards. I would like to help get this property rezoned so it can help stay open. It helps many people.

Timothy Thomas, 1324 Pleasant Street, Winston-Salem, NC 27107

I'm a business owner in this area.

I've frequented this area over the last four or five years and have not seen a situation that appears dangerous with the adjustments in speed limit which she is talking about.

This service is vital for our business.

Lucious Oliver, 4403 Winnabow, Winston-Salem, NC 27105

I was involved in preparing the site plan.

The submittal of the revised plan showing parking as it is now is in response to previous staff comments.

We can put some parallel parking adjacent to the building and not need four spaces.

We considered moving the second driveway further south, but didn't have enough clearance.

When the property owner purchased this property, the structure was already built.

Five seconds versus six seconds isn't significant.

AGAINST:

Jerry T. Scott, 115 Luzelle Drive, Winston-Salem, NC 27103

My property is southwest of the property which is proposed for rezoning.

This request is contrary to the *South Stratford Area Plan*.

In all respect to the previous speakers, I've lived here all my life and seen very dangerous traffic situations.

Traffic doesn't respect the speed limit. If they don't adhere to 45 mph, they won't adhere to 35 mph.

We're talking about 42 children; 42 cars at high traffic times. That could be very deadly. Seventeen people stood in opposition to this request.

I'm curious as to why they chose this district for the day care.

I hope you will continue to follow staff's recommendation and continue to deny situations like this in this area, as you have before.

Bill Orrell, 100 Luzelle Drive, Winston-Salem, NC 27103

I'm a little nervous today. I do respect my neighbor's wishes to have her own day care. I respect the people who spoke for her. However, I've been here 39 years.

I haven't slept well this week. Right where that second plane went into the World Trade Center, is where I had an office for two years. So, I'm nervous.

The sentiment of our neighborhood: Many people wish they could be here to show their support for staff's recommendation.

It's very important to look at staff's recommendation. I didn't realize they had visited the site.

Displayed photographs.

The residential property just northwest of this site was denied recently when the owners brought in a request for RM-8-S.

In the twenty minutes when I took pictures, there were many trucks and tractor-trailers.

Trucks would not have much room to stop if they crest the hill and have cars stacked up to enter this site.

WORK SESSION

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

1. Norwood - Is there a possibility for the site plan to be modified so it can meet the code? David Reed noted that he doesn't know of a way the requirements can be met. Glenn Simmons noted that the buffer could be on the adjoining property.
2. Doyle - the current use is allowed by right. Regardless of the number of kids, there is a serious traffic/safety hazard that needs to be addressed before we consider a continuance.
3. Doyle - we can't ignore the clear and present danger of traffic.

4. Norwood - I don't think we can punish them for the traffic. I think there are issues that might be addressed. He might need to get a site designer to do the site plan.
5. In response to a question by the Planning Board, the petitioner indicated she would like to continue it and consider a modified site plan.
6. Greg Turner noted that the City Department of Transportation would be willing to work with the petitioner as needed.

MOTION: Jimmy Norwood moved continuance of the zoning map amendment and site plan to November 8, 2001.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: None

EXCUSED: None

PUBLIC HEARING - November 8, 2001

Gary Roberts presented the staff report.

FOR:

Lucious Oliver, 4403 Winnabow Road, Winston-Salem, NC 27105

Basically we are hear to answer any questions you may have. Gary did a really good job. We've done a lot of work to reduce the number of children (thereby reducing the play ground requirements), the parking, and the sight issue which has been resolved by eliminating the northernmost driveway. We are asking for some grace.

Gloria D. Dykes, 2451 Griffith Road, Winston-Salem, NC 27103

I talked with some parents who have to drive to this site to bring their children. Read excerpts from parents who indicate they have not have problems with traffic.

Ramelle Shuler, 2208 Bowen Blvd., Winston-Salem, NC 27105

I'm Ms. Dykes' secretary and come to this site daily.
Have never had a problem entering or exiting the site.

Timothy A. Thomas, 1324 Pleasant Street, Winston-Salem, NC 27107

Haven't experienced any notable problem getting in or out of the site.

Evelyn Dean, 3201 Plantation Road, Winston-Salem, NC 27105

I see no problem with access to this site.

Danzwella Dykes, 4825 Commercial Plaza Street, Apt. 104-A, Winston-Salem, NC 27104

I used to live here and I've never had a problem getting in or out of the driveway.

Marie Smith, 1235 Jonestown Road, Winston-Salem, NC 27103
Gloria's mother. Never had a problem.

Kerry Avant arrived.

AGAINST:

Jerry Scott, 115 Luzelle Drive, Winston-Salem, NC 27103

The previous rezoning is for 8 children. We're talking about increasing this to 24 children. Most of the people speaking in favor of this request at the last meeting did not live in the area and would not be significantly impacted by the change.

Ms. Dykes raised her children here and now she wants to go against the wishes of most of her neighbors.

The reduction from 42 to 24 children and the elimination of one driveway doesn't address the concerns Mr. Greg Turner (City DOT) expressed at the last meeting.

Read excerpts from staff report.

Please remember the photos of the large trucks that travel this road. If the rezoning is approved, I feel each member should be held accountable when traffic proves to be unsafe.

Bill Orrell, 100 Luzelle Drive, Winston-Salem, NC 27103

I'm here today because of my children.

Distributed summary of his presentation. A copy is on file.

A business owner should take responsibility for their business and locate it in appropriate places.

Met with NCDOT to learn how to determine sight distance. Their estimations and my measurements this morning show that sight distance is woefully inadequate.

This driveway could not be put into place under the new sight distance requirements.

This would be an extremely, extremely dangerous place to put a daycare.

WORK SESSION

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

1. Philip Doyle: The site plan is significantly different than what we saw last time. DOT is somewhat satisfied with the sight distance issue.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: None.

MOTION FAILED.

2. Kem Schroeder: Having been out there on sign check, I find it very difficult to agree with CITY DOT. It's a really blind hill and it's a very unsafe area. I agree with the residents that it is putting a business zoning in the middle of the residential area.

3. Philip Doyle: We're not addressing the traffic issue.
4. In response to a question by the Board, Greg Turner made the following points: I think there are two fundamental differences of assumption that were made in what was analyzed by NCDOT's standard. They assumed 50 mph speed with a current 45 mph speed. We did agree to analyze the situation and did not feel we can recommend lowering that speed. The first thing people see in pulling onto a road is usually the roof of the vehicle. The assumption that you will focus on the taillights is in error. We found a sight distance of over 30 seconds to the south and 6.5 seconds to the north.
5. Jerry Clark: The persons lining up to turn left into the property (southbound) would reduce the sight distance.
6. Greg Turner, in response to a question by John Bost: If this was a small or large school or apartment complex, we would have required a left turn lane. Eventually this whole road will require a common left turn lane. This proposal was small enough that we did not feel it was necessary to require a turn lane.
7. Arnold King: I want to support this because a neighborhood is where you need day care, but based on traffic information, I can't support it.

MOTION: Kem Schroeder moved denial of the zoning map amendment.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Clark, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: Doyle

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certifies that the site plan meets all code requirements with the exception of a building encroachment into a side bufferyard which must get a variance from the Zoning Board of Adjustment and recommends staff conditions.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning