



**DOCKET #:** W2404

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

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
CVR & Associates  
for property owned  
by Rex L. Shaver and  
Ronald H. Shaver

**SCALE:** 1" represents 200'

**STAFF:** D. Reed

**GMA:** 3

**ACRE(S):** 2.59

**MAP(S):** 606862, 606866

June 14, 2000

CRV & Associates  
4230 Regency Drive  
Greensboro, NC 27410

RE: ZONING MAP AMENDMENT W-2404

Dear Sirs:

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  
Ray Collins, 952 Kerns Avenue, Winston-Salem, NC 27106  
Grant Chilton, 4230 Regency Drive, Greensboro, NC 27410  
Fredericka Pfaff, 115 Norman Road, Winston-Salem, NC 27106  
Elena Bennett, 3805 Robinhood Road, Winston-Salem, NC 27106  
Leonard Taylor, 1517 Foxmore Lane, Winston-Salem, NC 27106  
John Fisher, 4520 Chinaberry, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** June 14, 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 zoning map amendment of CRV & Associates for property owned by Rex L. Shaver and Ronald H. Shaver

**SUMMARY OF INFORMATION:**

Zoning map amendment of CRV & Associates for property owned by Rex L. Shaver and Ronald H. Shaver from RS-9 to RM-8-S (Child Day Care Center): property is located on the northeast side of Robinhood Road across from Rockaway Lane (Zoning Docket W-2404).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** AVANT, BOST, JOHNSON, KING, POWELL, ROUSSEAU,  
SCHROEDER, WILLIAMS  
**AGAINST:** SNELGROVE  
**SITE PLAN ACTION:** MEETS ALL CODE REQUIREMENTS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of CRV & Associates for property owned by Rex L. Shaver and Ronald H. Shaver,  
Docket W-2404

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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:

Starting at an iron marker across the street from the intersection of Rockaway Lane and Robinhood Road, proceeding in a clockwise direction, north 00° 34' 57" east a distance of 275.24 feet to an iron marker, thence in the same direction for 298 feet to an iron marker, thence in the direction south 86° 39' 15" east for 179.49 feet to an iron marker, thence in the direction south 00° 32' 29" west for 56.10 feet to an iron marker, thence in the direction south 01° 19' 40" west for 655 feet to an iron marker, thence to the first marker, in the direction north 48° 42' 50" west for 225.30 feet. Tax Lot 10, Tax Block 3472, containing 2.59 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Kids R Kids Learning Center and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to CRV & Associates for property owned by Rex L. Shaver and Ronald H. Shaver.

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 Kids R Kids Learning Center. 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 CRV & Associates for property owned by Rex L. Shaver and Ronald H. Shaver, (Zoning Docket W-2404). 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 \_\_\_\_\_, 19\_\_\_\_" 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 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, a storm water management plan shall be submitted and approved by the Public Works Department.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Driveway permit shall be approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Garbage dumpster shall be installed to the specifications of the City Sanitation Department.
  - b. A fifteen (15) foot type II bufferyard shall be installed where the property adjoins RS-9 zoning.

- c. Developer shall construct a sidewalk along the entire frontage of Robinhood Road to the specifications of the Public Works Department of the City of Winston-Salem.

- **OTHER REQUIREMENTS**

- a. Sign permits are required from the Inspections Division prior to installing any signs on the property. Sign shall be limited to 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-2404

**STAFF:** David Reed

Petitioner(s): CRV & Associates

Ownership: Rex L. Shaver and Ronald H. Shaver

### **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: 2.59 acres

### **LOCATION**

Street: Northeast side of Robinhood Road east of Rockaway Lane.

Jurisdiction: City of Winston-Salem.

Ward: Northwest.

### **SITE PLAN**

Proposed Use: Child Day Care Center.

Square Footage: 13,500 square feet.

Building Height: Single story.

Parking: Required: 47 spaces; proposed: 47 spaces.

Bufferyard Requirements: A type II bufferyard is required adjacent to RS-9 zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Small house which is to be removed. However, site is primarily field and woods.

Adjacent Uses:

North - Vacant, wooded land zoned RS-9.

East - East of the northern portion of this site are multifamily developments zoned RM-18. East of the southern portion of this site is Mt. Tabor United Methodist Church zoned IP.

South - Single family homes zoned RS-9.

West - Single family homes and wooded areas zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Well maintained residential and institutional uses.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minor.

Topography: Site slopes down to the north.

Vegetation/habitat: Site is partially wooded.

## **TRANSPORTATION**

Direct Access to Site: Robinhood Road.

Street Classification: Major thoroughfare.

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

Robinhood Road from Norman Road to Shattalon Drive - 13,000/11,000

Trip Generation/Existing Zoning: RS-9 2.59 ac/9,000 sf = 12 lots x 9.55 trip rate = 115 new trips/day (peak hour trips would be approximately 12 trips)

Trip Generation/Proposed Zoning: RM8-S Day Care Center 13,500 sf/1,000 sf = 13.5 x 79.26 trip rate = 1,070 trips/day (peak hour trips would be approximately 107 trips)

Planned Road Improvements: None.

Sight Distance: Fair.

Sidewalks: Staff recommends a sidewalk be built along the northeast side of Robinhood Road.

Transit: Transit is not available at this time.

## **HISTORY**

Relevant Zoning Cases:

1. W-2377; RM-12 to NO-S (Professional Office; and Medical and Surgical Offices); approved April 3, 2000; northwest side of Polo Road northeast of Robinhood Road; 0.41 acre; Planning Board and staff recommended approval.
2. W-2207; RS-9 to RS-7; approved February 2, 1998; northeast corner of Vandar Drive and Rockaway Lane; 0.50 acre; Planning Board and staff recommended approval.
3. W-2013; RM-18 to GO-S (Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices - TWO PHASE); approved December 4, 1995; southwest side of Robinhood Road between Huntinggreen Lane and Polo Road; 4.19 acre; Planning Board and staff recommended approval.



## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): Development of activity nodes at planned locations; separation and buffering of commercial, office and industrial uses from residential areas; preservation of stable neighborhood areas.

Area Plan/Development Guide: *Robinhood Road Area Plan*.

Relevant Development Guide Recommendation(s): The plan calls for this site to be moderate density residential up to eight units per acre, however, this recommendation is contingent on Robinhood Road being widened.

## **ANALYSIS**

The subject site is located in an area which has a mixture of zoning districts. It is also located on a segment of Robinhood Road which is heavily congested at peak hours and is currently operating over capacity at Level of Service D (average daily traffic count of 13,000 vehicles per day; design capacity 11,000 vehicles per day). The proposed 300-child day care center would generate approximately nine times as many vehicle trips as would be generated if the property were fully developed under the existing residential zoning.

The site is within the boundaries of the *Robinhood Road Area Plan* which recommends the site be developed for low density residential uses. Although the proposed zoning is not consistent with the adopted plan, there are aspects of the site which lend themselves to the proposed use. The property is located on a major thoroughfare and abuts IP and RM-18 zoning districts to the east. Also, staff recommended to the developer that the proposed driveway be moved to the east as far as possible to reduce traffic conflicts with the Rockaway Lane intersection.

The major issue in the case is the traffic on Robinhood Road. Because the road is already over capacity and because the proposed use would add a significant number of trips at peak times (including mostly left turn movements in the A.M. peak time), staff cannot support the proposed rezoning.

## **FINDINGS**

1. The subject site is located in an area which has a mixture of zoning districts.
2. The site is located on a segment of Robinhood Road which is currently over capacity at Level of Service D (Vehicles per Day).
3. The proposed Child Day Care Center would generate approximately nine times as many vehicle trips as the existing zoning.
4. The proposed zoning is not consistent with the *Robinhood Road Area Plan*.

5. Because the road is already over capacity and because the proposed use would add a significant number of additional trips and turning movements at peak times, beyond what is likely under present zoning, staff cannot support the proposed rezoning.

### **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 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, a storm water management plan shall be submitted and approved by the Public Works Department.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Driveway permit shall be approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Garbage dumpster shall be installed to the specifications of the City Sanitation Department.
  - b. A fifteen (15) foot type II bufferyard shall be installed where the property adjoins RS-9 zoning.
  - c. Developer shall construct a sidewalk along the entire frontage of Robinhood Road to the specifications of the Public Works Department of the City of Winston-Salem.
- **OTHER REQUIREMENTS**
  - a. Sign permits are required from the Inspections Division prior to installing any signs on the property. Sign shall be limited to monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

*[For information purposes only: The draft Legacy plan proposes that commercial development be concentrated at activity nodes. Metro activity centers would be the most intense of these commercial nodes and be designed to attract development from a large market capture area. Although not specifically identified in the Legacy plan, community activity nodes like the Robinhood/Peace Haven commercial center would serve the surrounding communities. They could accommodate a mix of uses including day care centers.]*

David Reed presented the staff report.

### **PUBLIC HEARING**

FOR:

Ray Collins, 952 Kerns Avenue, Winston-Salem, NC 27106

I'm the real estate agent for the petitioner in this case.

We scoured the market for about a year trying to find viable sites in this area. We chose this site because this area is where the new rooftops are appearing and two new schools are in this area.

We do see this as a good transition use.

When we did our market study, our competitors had waiting lists ranging from six months to one year.

Peak occupancy is 265 as regulated by the State. The rating is divided into age groups which aren't interchangeable, so a facility like this may not operate at capacity.

We met with the neighborhood. Generally the concerns were about traffic on Robinhood Road. Our purpose in requesting a continuance was to allow us to meet with the NCDOT and investigate better traffic options.

Grant Chilton, 4230 Regency Drive, Greensboro, NC 27410

We have identified this area as an area which needs a higher-level child care center. We provide a state-of-the-art child care center. Our centers in Greensboro have brought up the quality of other centers in that area.

AGAINST:

Fredericka Pfaff, 115 Norman Road, Winston-Salem, NC 27106

I've lived here six years and watched the changes.

New housing and school have created numerous problems. People will not let you into the traffic because they don't want to miss the light.

I'm concerned that this will open the doors to more development. The City has already taken part of my yard for road widening for development in this area. I'm concerned that the day care center will mean they come take more of my yard.

Traffic is a very serious problem. You have to be there during a school day to see the impact. This will compound it.

Elena Bennett, 3805 Robinhood Road, Winston-Salem, NC 27106

I am speaking for my parents who live next door to this site. They already have runoff problems. This would worsen it.

This area does not have many young children who would use this facility.

Traffic is a big problem.

Adding a turn lane leaves the same number of cars and another lane to cross. Trucks will make regular commercial entries and traffic is extensive.

The day care entrance would be halfway down the hill near a curve in the road. This hill retains ice since the sun doesn't hit it and it is a dangerous place to try to turn in the winter.

Leonard Taylor, 1517 Foxmore Lane, Winston-Salem, NC 27106

I am a real estate appraiser.

I think the facility is a class act. But I don't believe where it is located has any positive influence whatever.

This neighborhood is mostly composed of elderly people. They won't need the day care center.

Traffic does back up 3/4 mile in the morning.

DOT has already told me they don't know how they can correct it.

Let's take this large commercial center and put it in a commercial area.

Showed pictures of applicant's facilities in Greensboro (with wider roads and more driveways) and the heavier traffic on Robinhood Road.

If a community needs a high-quality day care center, let's give it to them. But let's put it in a good place.

Mr. Taylor noted that the opposition has a petition signed by over 700 people. The petition will be presented to the Board of Aldermen at its public hearing regarding this request.

### **WORK SESSION**

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

1. The church serves as a buffer between a very commercial area and a very quiet residential area (except for traffic). I don't see how a continuance is going to improve the appropriateness of the use.
2. Over 50 people were here in opposition to this request. Mr. Taylor indicated there is no way this can be improved and they are adamantly opposed to a continuance.
3. Kerry Avant stated that in most cases the Board does grant continuances, but in this particular case when you look at the situation, I don't believe it's a matter of getting the petitioner and neighborhood together. I'm not sure sufficient improvements can be made for me to support this request.

MOTION: Kerry Avant moved denial of the request for continuance.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: Snelgrove

EXCUSED: None

MOTION: Kerry Avant moved denial of the zoning map amendment.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: Snelgrove

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning