



DOCKET #: W2435

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

EXISTING ZONING:
RS9

PETITIONER:
Rhonda E. Meze
for property owned by others

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 1.11

MAP(S): 642870



December 20, 2000

Rhonda E. Meze
676 Gardner Street
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2435

Dear Ms. Meze:

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
Ms. Cleta Wilson, 4107 Carver School Road, Winston-Salem, NC 27105
Lucious B. Oliver, 545 N. Trade Street, Suite 3G, Winston-Salem, NC 27105
Richard L. Wilson, 4107 Carver School Road, Winston-Salem, NC 27105
Beatris Truesdale, 4130 Carver School Road, Winston-Salem, NC 27105

ACTION REQUEST FORM

DATE: December 20, 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 Rhonda E. Meze for property owned by Marshall Patterson III and Brenda Patterson

SUMMARY OF INFORMATION:

Zoning map amendment of Rhonda E. Meze for property owned by Marshall Patterson III and Brenda Patterson from RS-9 to RM-8-S (Child Day Care Center): property is located on the east side of Carver School Road north of Bainbridge Drive (Zoning Docket W-2435).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: DENIED

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Rhonda E. Meze for property owned by Marshall Patterson III and Brenda Patterson, Docket W-2435

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 Lots 001W and 002W, Tax Block 3206

Section 2. This Ordinance is adopted after approval of the site plan entitled Kids Unlimited Child Care and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Rhonda E. Meze for property owned by Marshall Patterson III and Brenda Patterson.

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 Unlimited Child Care. 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 Rhonda E. Meze for property owned by Marshall Patterson III and Brenda Patterson, (Zoning Docket W-2435). 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 if the driveway or bufferyard located adjacent to the deck does not meet the minimum requirements of the UDO.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - 1. Developer shall obtain a grading permit if more than 10,000 square feet is disturbed.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install an AEnter Only@ and an AExit Only@ sign on the driveways on Carver School Road.
- **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-2435
STAFF: Gary Roberts

Petitioner(s): Rhonda E. Meze
Ownership: Marshall Patterson III and Brenda Patterson

REQUEST

From: RS-9 Residential Single Family District
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: 1.11 acres

LOCATION

Street: East side of Carver School Road north of Bainbridge Drive.
Jurisdiction: City of Winston-Salem.
Ward: Northeast.

SITE PLAN

Proposed Use: Child Day Care Center.
Square Footage: 3,348 square feet.
Building Height: 18 feet.
Parking: Required: 3 spaces plus 1 per 2 employees; proposed: 10.
Bufferyard Requirements: Type II bufferyard adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: As required by the UDO.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Vacant building.

Adjacent Uses:

- North - Single family homes zoned RS-9.
- East - Single family homes zoned RS-9.
- South - Single family homes zoned RS-9.
- West - Winston-Salem/Forsyth County Schools' bus storage area zoned RS-9.

GENERAL AREA

Character/Maintenance: Moderately to well-maintained area.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal.
Topography: Gradual slope to the east away from Carvers School Rd.
Streams: None.
Vegetation/habitat: Typical yard with a few a trees.
Constraints: None known.

TRANSPORTATION

Direct Access to Site: Carver School Road.
Street Classification: Minor thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Carver School Road - from New Walkertown Road to Lansing Drive - 8,800/16,000
Trip Generation/Existing Zoning: RS-9
 $1.11 \times 43,560/9,000 = 4$ (max. # of lots allowable on site) $\times 9.57$ (SFR trip rate) = 38 trips
Trip Generation/Proposed Zoning: RM-8-S
 $3,348/1,000 \times 79.26$ (Day Care Center Rate/ per 1,000 sq. ft.) = 265 trips utilizing entire square footage of structure. Actual trips based on proposed enrollment are approximately 135 trips/day.
Sidewalks: Existing.
Transit: WSTA Route 1 along Carver School Road.

HISTORY

Relevant Zoning Cases:

1. W-2158; (subject property), RS-9 to RM-8-S (Child Day Care Center); denied May 1997; east side of Carver School Rd. between Pressman Dr. and Page St.; 1.11 acres; Planning Board and staff recommended denial.
2. W-1803; R-5 to R-6-S (Dwellings: Single-family; and Manufactured home not in a manufactured home park); approved January 19, 1993; northeast side of Page Street east of Carver School Road; 0.50 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban. The Community Facilities chapter in *Vision 2005* addresses public schools but not day care facilities in particular.

Relevant Comprehensive Plan Recommendation(s): One of the recommendations in the Community Facilities chapter is that the role of the private sector in providing community facilities should continue to be fostered.

Area Plan/Development Guide: *Carver Road/Ogburn Station Development Guide* (1991)

Relevant Development Guide Recommendation(s): This rezoning request exists at the edge of the Carver/Lansing Subarea. Although zoning guidelines acknowledge that the Carver/Lansing intersection could host facilities such as a day care center, it recommends developing properties south of this intersection, including the property in question, as low density residential (up to 4.7 units/acre). If sidewalks do not already exist along Carver School Road, the plan recommends installing sidewalks whenever street widenings or construction projects occur.

ANALYSIS

This petition is a request to rezone RS-9 single family residential property to RM-8-S multifamily residential, for the purpose of developing a relatively large, child day care center consisting of 29 children. In 1997, a similar rezoning request for 67 children was denied (zoning docket W-2158). The center would utilize the existing 3,348 sq. ft. structure which includes a recent 1,374 sq. ft. addition made since the previously denied request.

While the current request is reduced in size from the 1997 application, staff still has strong reservations about supporting RM-8-S zoning for a child care center of this scale at this location. The traffic increase alone would be significant. Loading and unloading 29 children per day is expected to generate approximately 24 trips in the morning peak and 24 again in the evening peak hours (0.83 trips x 29). The total number of weekday trips (parent visits, deliveries, employee travel, etc.) to and from the day care center is projected to be 135. By contrast, a single family development approved for this site under the existing zoning would generate only approximately 38 trips per day.

In staff's opinion the level of intensity proposed by this petition would not be appropriate for this area. The site is surrounded on three sides by single family homes in moderate density residential zoning. In this context, the scale of the proposed daycare center would be similar to a commercial use being introduced into the residential neighborhood. The only nearby exception to this residential use pattern is the County's School Bus Garage and Supply Warehouse directly across Carver School Road from this site. While the garage is not an ideal neighbor for the single family homeowners that live nearby, it is a longstanding use that is of proven value to the public.

As an alternative to the proposed Child Day Care Center, staff suggests that a "Large Home" child day care facility may be more acceptable under current zoning with a special use permit from the Zoning Board of Adjustment. Such a large home center can accommodate up to 15 school-age children. Otherwise, staff considers the structure and location to be viable as a single family residence.

FINDINGS

1. The petition does not meet the development goals for this location as stated by the *Carver School Road/Ogburn Station Development Guide*.
2. The proposed intensity of use and associated vehicular impacts proposed in this petition are not appropriate for this site.
3. A less intense use, perhaps "Large Home" child daycare facility, with Zoning Board of Adjustment approval, would be more compatible with existing uses in the area, and would reduce the potential for serious impacts with respect to traffic generation and safety.
4. The existing residential structure and location are viable as a single family home.

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 if the driveway or bufferyard located adjacent to the deck does not meet the minimum requirements of the UDO.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 2. Developer shall obtain a grading permit if more than 10,000 square feet is disturbed.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install an AEnter Only@ and an AExit Only@ sign on the driveways on Carver School Road.
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[For information purposes only: The draft Legacy comprehensive plan describes child care as the first step in a quality educational system. The plan 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.]

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Lucious B. Oliver, 545 N. Trade Street, Suite 3G, Winston-Salem, NC 27105

I am the one who submitted the project in 1997 for a larger number of children.

This petition addresses some of the problems questioned in that rezoning request.

The parents do not drop children off. All children are picked up by a van, so there are only two trips daily which are day care vans.

The petitioners have a small home day care. They are trying to expand. They have about 70 children on a waiting list, so there is a need in that area for a day care use.

If we need to go to the "Large Home Day Care Center" use, we are willing to do so.

Rhonda Meze, 676 Gardner Street, Winston-Salem, NC 27101

I do understand one of the issues of staff is transportation. However, I realize that the number of children was possibly causing a hazard. Therefore I did reduce to 29 children.

The day care I own and operate now, we provide transportation to and from school.

Therefore that would cut down tremendously on the traffic.

One of the concerns was the school bus garage across the street. That entrance is rarely used. Most access to that site is through Lansing Road.

Day care here would be a valuable asset to students at Forsyth Technical Community College. It would also create new jobs for people in this area and surrounding areas.

All parking would be in the rear of the building. The appearance of the property would remain residential.

With my small day care now, one parent provides morning transportation. That's the only transportation not provided by our day care.

This is a long-term proposal. I have no plans to give the property up.

We provide transportation because we cater to children who are more poverty stricken.

AGAINST:

Richard L. Wilson, 4107 Carver School Road, Winston-Salem, NC 27105

I'm opposed to the day care center. The biggest reason is because of the traffic. I live two doors down from this site.

We moved here because of the traffic. They've built extensively in this area.

The bus garage has mechanics coming and going all day.

We have new development on Lansing Drive that causes traffic problems.

You can sit in your driveway for five minutes trying to get out of your drive.

We have five churches in this area, so weekends are also busy.

Parents still need to come to the school.

Beatris Truesdale, 4130 Carver School Road, Winston-Salem, NC 27105

I am against this day care for the same reason Mr. Wilson said: Traffic.

Traffic has gotten worse.

I cannot pull into my driveway one time. Backing out of my driveway makes it likely that we will collide with other traffic. We are held liable.

There is a little rise there and you are not aware of how dangerous that rise is because when cars come, they are going much faster than the 35 mph speed limit.

There's a lot of houses and development that all feeds back into Carver Road. That's the only way. We have two schools on this road.

I'm strongly against it.

Traffic is also dangerous for the kids. A child was killed near here when he was crossing the road to catch the bus.

WORK SESSION

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

1. Steve Johnson noted that the site plan committee felt strongly that the play area should be next to the building, not across a parking area. He also expressed hesitation to begin creating conditions which would be so difficult for Inspections to enforce.

MOTION: Steve Johnson moved denial of the zoning map amendment.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson moved denial of the site plan because of the encroachment of the side yard and the position of the play yard.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning