

DOCKET #: F1419

PROPOSED ZONING:
 HB-S (Multiple Uses, including Child Daycare Center) - TWO PHASE

EXISTING ZONING:
 HB-S and HB-S

PETITIONER:
 A Child's World Learning Center/ACWLC III, Inc.,
 for property owned by Judy Hartman

SCALE: 1" represents 400'

STAFF: Simmons

GMA: 3

ACRE(S): 7.32

MAP(S): 624818



September 22, 2004

Judy H. Hartman
9468 N. Highway 150 Hwy
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT F-1419

Dear Ms. Hartman:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Emmett McCall, 100 N. Cherry Street, Winston-Salem, NC 27101
A Child's World Learning Center/ACWCL III, Inc., c/o R. Andrew Hewitt, 119 Hwy 801
S. Suite A-400, Advance, NC 27006

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Judy H. Hartman, Docket F-1419

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; and Services, Personal) and HB-S (Uses under previous B-3-S designation were Eating establishments; Offices; Services; Stores or shops, retail; and Clubs or lodges) to HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services Business B; Services, Personal; Child Day Care Center – TWO PHASE) the zoning classification of the following described property:

Tax Block 3874, Tax Lots 110 and 111

Section 2. This Ordinance is adopted after approval of the site plan entitled A Child's World Learning Center/ACWLC III, Inc., and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Judy H. Hartman.

Section 3. The Board of Commissioners 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 A Child's World Learning Center/ACWLC III, Inc.. 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.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Judy H. Hartman, Trustee (Zoning Docket F-1419). 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 HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services Business B; Services, Personal; Child Day Care Center – TWO PHASE)", approved by the Forsyth County Board of Commissioners the ____ day of _____, 20 ____" and signed, provided the property is developed in accordance with requirements of the HB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
 - b. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved in writing by the County Fire Department.
 - b. Developer shall record a final plat in the office of the Register of Deeds showing locations of all access and utility easements.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Any required fire hydrants shall be installed.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign for the entire Two Phase development with a maximum height of fifteen (15) feet.
 - b. Phase Two development shall require approval of a Final Development Plan.

ZONING STAFF REPORT

DOCKET # F-1419
STAFF: Glenn Simmons

Petitioner(s): Judy H. Hartman, Trustee
Ownership: Same

REQUEST

From: HB-S (Uses under previous B-3-S designation were Eating establishments; Offices; Services; Stores or shops, retail; and Clubs or lodges - TWO PHASE) and HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; and Services, Personal)

To: HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services Business B; Services, Personal; Child Day Care Center – TWO PHASE)

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

Acreage: 7.13 Acres

LOCATION:

Street: East Side of Peters Creek Parkway/ NC150 opposite Friedburg Church Road
Jurisdiction: Forsyth County

SITE PLAN

Proposed Use: This Two Phase site plan shows a 10,000 sf Child Day Care Center and vacant property proposed for multiple business uses which will require final development plan approval.

Square Footage: 10,000 sf Child Day Care Center.

Building Height: One story.

Parking: Required: 33; Proposed: 47; Conventional parking lot with one-way drive through drop-off lane.

Bufferyard Requirements: Minimum fifteen foot wide Type III Bufferyard required adjacent to RS-9 zoning

Vehicular Use Landscaping Standards Requirements: UDO standard apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None

Adjacent Uses:

- | | |
|--------|--|
| North- | Single family homes zoned RS-9 |
| East- | Vacant wooded land. |
| South- | Church zoned HB-S |
| West- | Across Peters Creek Parkway/NC 150 is a convenience store zoned HB-S |

GENERAL AREA

Character/Maintenance: Well maintained commercial and residential uses and vacant land.

Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. F-1327; HB-S and RS-9 to HB-S (Multiple business uses); approved November 13, 2000; portion of current site; 5.3 acres; Planning Board and staff recommended approval.
2. F-1209; RS-9 to LB-S (Outdoor Display Retail); approved September 9, 1997; northwest corner of Peters Creek Parkway/ NC150 and Friedburg Church Road; northwest of current site; 0.50 acre; Planning Board and staff recommended approval.
3. F-1185; RS-9 to HB-S (Outdoor Display Retail); approved February 10, 1997; west side of Peters Creek Parkway/NC150 north of Friedburg Church Road; 6.18 acres; Planning Board and staff recommended approval.
4. F-1160; RS-9 to GB; approved July 8, 1996; 0.89 acre; west side of intersection of Friedburg Church Road and Old Salisbury Road; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minor.

Topography: Site slopes down to the southeast.

Vegetation/habitat: Site is partially wooded.

TRANSPORTATION

Direct Access to Site: Peters Creek Parkway/NC 150.

Street Classification: Peters Creek Parkway/NC 150 - major thoroughfare

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

Peters Creek Parkway - south of Friedburg Church Road - 12,700 vpd. Current capacity

of newly completed four lane divided facility is not known, however staff believes that substantial reserve capacity is available with the new improvements.

Trip Generation/Existing Zoning: HB-S (Multiple Business Uses - TWO PHASE)

No site plan information available.

Trip Generation/Proposed Zoning: HB-S (Multiple Business Uses)

10,000 sf/1,000 sf = 10 x 79.26 (trip rate for Day Care Center) = 792 trips. Staff notes that traffic generation numbers for Phase Two development is not available due to the lack of a site plan for second phase development.

Sight Distance: Good.

Interior Streets: Private.

Transit: Transit is not available at this time.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4B: Short-Range Growth.

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of public services, such as sewer and roads adequate to support the growth; cluster commercial areas; concentrate retail and employment centers at activity nodes; separate and buffer commercial from residential uses.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

ANALYSIS

Essentially this zoning proposal is to add “Child Day Care Center” to existing uses previously approved for two separate, but related tracts of HB-S zoned properties, and to show an associated site plan for a proposed day care center. This zoning request consist of a portion of land previously zoned HB-S -Two Phase (F-764) originally approved in 1986, and a separate parcel zoned HB-S (F-1327) zoned in 2000. Both parcels allowed for a broad array of retail commercial and office uses, but did not allow for a Child Day Care Center. This request proposes to retain most of the business uses of the two previous zoning, but to add the Child Day Care Center use.

This zoning request shows a final development plan for a Child Day Care Center whereby the rest of the site is shown as available for future development with all of the above mentioned business uses. As with all Two Phase zoning requests, final development plans must be approved for any future development for the remainder of the tract.

Overall, the site plan shows a single, consolidated vehicular access point onto Peters Creek Parkway and demonstrates the potential for a coordinated mixture of complementary commercial and office uses in combination with the proposed new Child Day Care Center. Staff notes that vehicular access to Peters Creek Parkway is designed to function as a right-in, right-out access only. A median in Peters Creek Parkway will eliminate left turn movements across Peters Creek Parkway.

Regarding the Child Day Care Center itself, staff believes that the addition of this use to previously approved office and commercial uses is consistent with the needs of the area and is appropriately located just north of the Davidson County line. Staff believes this will be a convenient location for those with day care needs who may live in Davidson County and commute to jobs in Winston-Salem. Especially with the recent widening of Peters Creek Parkway this area of northern Davidson County appears to be growing in popularity as a residential area.

The site plan for the day care center shows a good system of vehicular and pedestrian circulation and provides for a safe and convenient outdoor play area for children.

FINDINGS

1. The subject site consist of two tracts currently zoned HB-S under the same ownership.
2. The petitioner wishes to combine the two tracts into a single new HB-S TWO PHASE zoning proposal and add the new use of Child Day Care Center to previously approved, multiple business uses.
3. Staff believes that the addition of Child Day Care Center is a appropriate new use and is likely needed in the area.
4. Staff is of the opinion that the consolidated development plan and shared driveway access is consistent with sound planning principles.
5. Staff believes the day care site layout is efficient and safe.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
 - b. Developer shall a obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
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- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign for the entire TWO PHASE development with a maximum height of fifteen (15) feet.
 - b. Phase Two development shall require approval of a Final development Plan.

SUMMARY STATEMENT OF CONDITIONS BASED UPON SPECIAL USE DISTRICT DESIGNATION

This site plan and associated conditions are consistent with the previously approved Two Phase, HB-S zoning. The petitioner has not volunteered nor has Planning staff requested any conditions, except the maximum 15'high sign height, beyond the standard requirements of the UDO.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jimmy Norwood

VOTE:

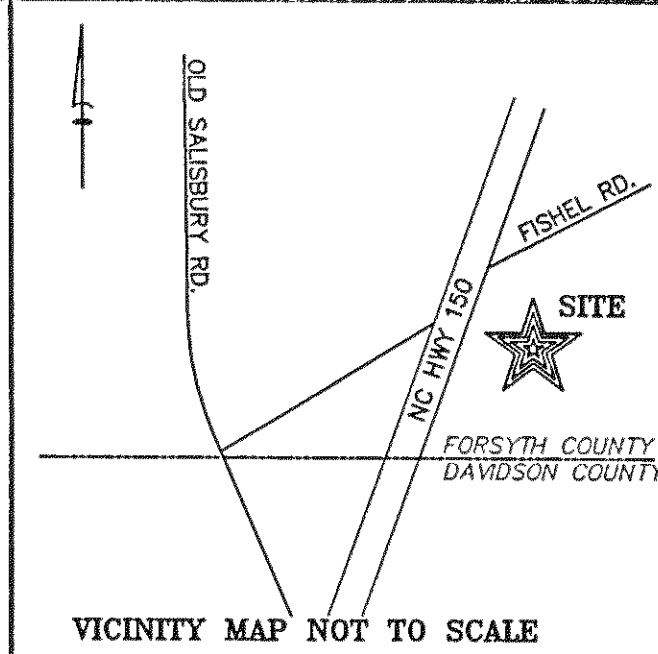
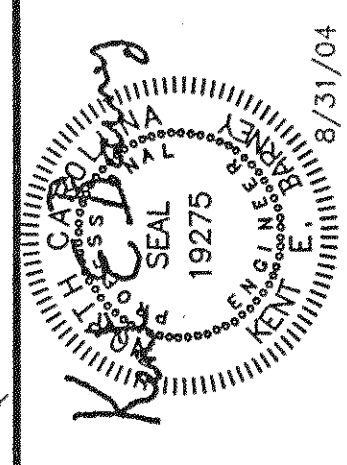
FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

According to information furnished on August 4, 2004 by the Office of the Tax Assessor, the subject property was in the name of Judy H. Hartman, Trustee.

A. Paul Norby, AICP
Director of Planning

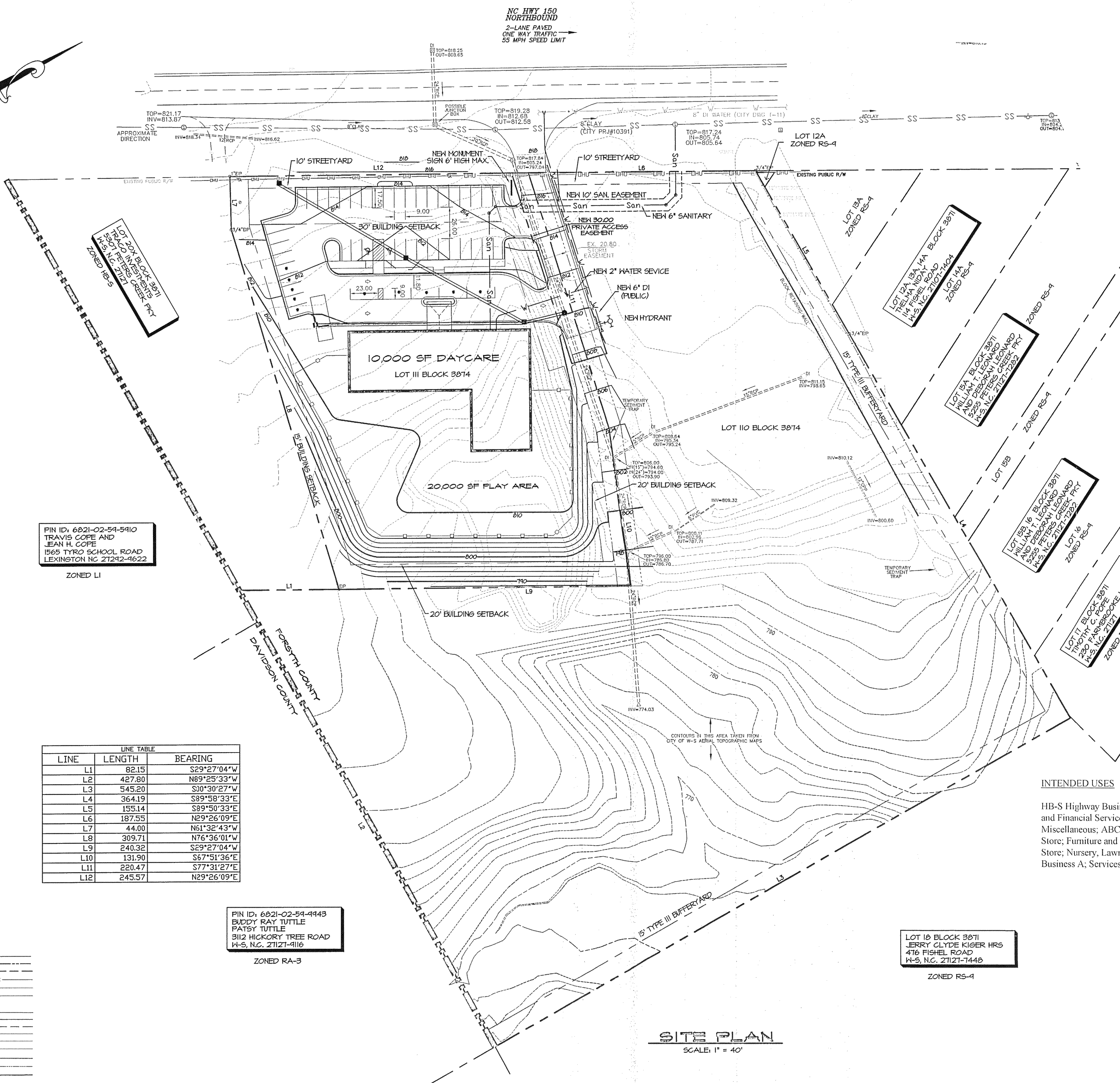
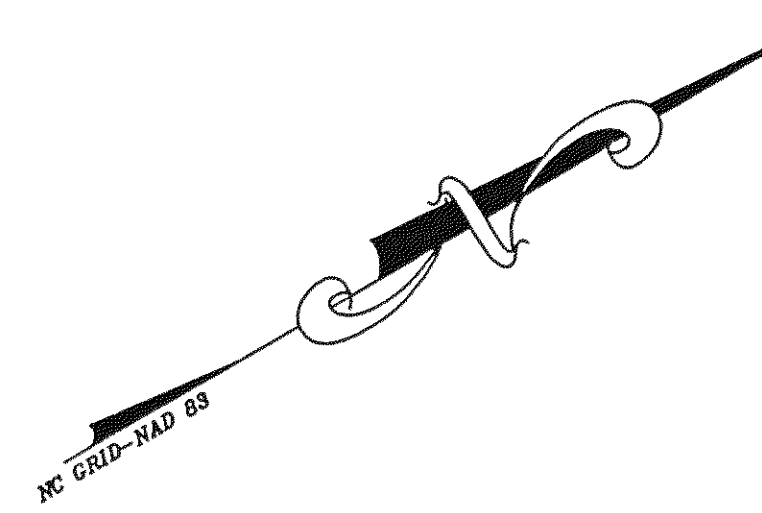


ZONING	
Existing Zoning:	HB-S
Type of Review Requested:	HB-S (TWO PHASE)
SEE INTENDED USES BELOW (i.e. Rezoning, Planning Board Review, Preliminary Subdivision Approval, etc.)	
SITE SIZE AND COVERAGES	
Total Acreage:	2.0 + 5.13 = 7.13 Acres
LOT III BLOCK 3874 - 2.0 AC	
LOT II BLOCK 3874 - 5.13 AC	
Site Coverages:	
Building to Land	3.2 %
Pavement to Land	4.8 %
Open Space	92.0 %
TOTAL	100%
Building Square Footage:	10,000 (Maximum) Sq. Ft.
Building Height:	1 Ft. or (Stories)
INFRASTRUCTURE	
Water:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Sewer:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Streets:	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private
OFF-STREET PARKING (if applicable)	
Proposed Use(s):	DAY CARE CENTER
Parking Calculation:	1 Spaces / 2 EMPLOYEES
	25 EMPLOYEES = 13 SPACES
	1 loading / 10 CHILDREN
	200 CHILDREN = 20 SPACES
Required Parking:	33 Spaces
Parking Provided:	47 Spaces
BUFFERYARDS (if applicable)	
Adjoining Zoning:	RESIDENTIAL
Type Required:	TYPE III
Width Provided:	15 Ft.
Fence Option:	Yes <input checked="" type="checkbox"/> No
DENSITY CALCULATIONS (if applicable)	
Number of Units or Lots:	NA Units/Lots
Density:	NA Units/Acre or Lots/Acre

PROPOSED BUILDING FOR
CHILDS WORLD III
 WINSTON-SALEM, FORSYTH COUNTY, N.C.

NOT FOR FIELD USE
REZONING PLAN

DATE: 6/20/04
 FILE: M:\RES\10240401
 DRAWN BY: JKB
 REVISIONS:
 JOB NO: JH-04107
 SHEET: **C-1**
 OF: 1



PIN ID: 6821-02-54-5410
 TRAVIS COPE AND
 JEAN H. COPE
 1565 TYRO SCHOOL ROAD
 LEXINGTON NC 27242-4622

PIN ID: 6821-02-54-4443
 BUDDY RAY TUTTLE
 PATSY TUTTLE
 3112 HICKORY TREE ROAD
 W-S, N.C. 27127-4116

LOT 10 BLOCK 3871
 JERRY CLYDE KIGER HRS
 476 FISHEL ROAD
 W-S, N.C. 27127-1448

LINE	LENGTH	BEARING
L1	82.15	S29°27'04"W
L2	427.80	N89°25'33"W
L3	545.20	S0°30'27"E
L4	364.19	S89°58'33"E
L5	155.14	S89°50'33"E
L6	187.55	N29°26'09"E
L7	44.00	N61°32'43"W
L8	309.71	N76°36'01"W
L9	240.32	S29°27'04"W
L10	131.90	S67°51'36"E
L11	220.47	S77°31'27"E
L12	245.57	N29°26'09"E

- LEGEND**
- EXISTING IRON PIN
 - EXISTING REBAR
 - NO POINT SET
 - IRON REBAR SET
 - CABLE PEDESTAL
 - TELEPHONE MANHOLE
 - TELEPHONE PEDESTAL
 - FLOOD LIGHT
 - GUY WIRE
 - LIGHT POLE
 - ELECTRIC MANHOLE
 - ELECTRIC METER
 - ELECTRIC TRANSFORMER
 - UTILITY POLE
 - BOLLARD
 - GAS METER
 - GAS VALVE
 - SEWER CLEAN OUT
 - SEWER MANHOLE
 - SIGN
 - CATCH BASIN
 - CURB INLET
 - DROP \ YARD INLET
 - FLARED END SECTION
 - STORM MANHOLE
 - HANDICAP
 - FIRE HYDRANT
 - WATER MANHOLE
 - WATER METER
 - WATER VALVE
 - WELL
 - MANHOLE
 - PRESSURE INDICATOR VALVE
 - TREE
 - RIGHT-OF-WAY
 - CONCRETE MONUMENT
 - CHORD
 - JUNCTION BOX
 - DEED BOOK
 - PLAT BOOK
 - COMBINED GRID FACTOR
 - REINFORCED CONC PIPE
 - CORRUGATED METAL PIPE
 - CORRUGATED PLASTIC PIPE
 - BOUNDARY LINE
 - RIGHT-OF-WAY LINE
 - UNSURVEYED PROPERTY LINE
 - SANITARY SEWER LINE
 - UNDERGROUND ELECTRIC LINE
 - ELECTRIC LINE
 - TREE LINE
 - WATER LINE
 - FENCE LINE
 - EDGE OF GRAVEL
 - EDGE OF PAVEMENT
 - TELEPHONE LINE
 - UNDERGROUND TELEPHONE LINE
 - OVERHEAD UTILITY
 - EASEMENT
 - UNDERGROUND FIBER OPTICS

SITE PLAN
 SCALE: 1" = 40'

TOPOGRAPHICAL SURVEY BY:
 Allied Associates, P.A.
 4720 KESTER HILL ROAD PHONE (336) 765-2377
 WINSTON-SALEM, N.C. 27103 FAX 760-8886
 e-mail: allied@allied-survey.com

W-1419