



December 20, 2017

Clarthria Wherry  
3650 New Walkertown Road  
Winston-Salem, NC 27105

Re: Zoning Petition W-3354

Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163  
[www.cityofws.org/planning](http://www.cityofws.org/planning)

Dear Petitioner:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning and Development Services

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102



**City Council:** Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**County Commissioners:** David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

**City-County Planning Board:** Arnold G. King, Chair; Allan Younger, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; Chris Leak; Brenda J. Smith

**ACTION REQUEST FORM**

**DATE:** December 20, 2017  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Petition of Clarthria Wherry.

**SUMMARY OF INFORMATION:**

- A. Public hearing on zoning petition of Clarthria Wherry (Zoning Docket W-3354).
- B. Ordinance amending the *Unified Development Ordinances* of Winston-Salem/Forsyth County and the Official Zoning Map.
- C. Approval of Special Use Limited District Permit.

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Clarthria Wherry, Docket W-3354

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 City Council 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 RM12-S to IP-L(Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Child Day Care Center; Child Care, Drop-In; Child Care Institution; School, Private; and Adult Day Care Center), the zoning classification of the following described property:

PIN# 6818-30-1563

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to Clarthria Wherry.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be located on the property described in section one above. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED DISTRICT PERMIT

Issued by the City Council  
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Clarthria Wherry, (Zoning Docket W-3354). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Child Day Care Center; Child Care, Drop-In; Child Care Institution; School, Private; and Adult Day Care Center, approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the IP-L 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:

**OTHER REQUIREMENTS:**

- a. No electronic message board signs shall be allowed on the subject property.

**CITY-COUNTY PLANNING BOARD  
DRAFT STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3354
<b>Staff</b>	<a href="#">Bryan D. Wilson</a>
<b>Petitioner(s)</b>	Clarthria Wherry
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN # 6818-30-1563
<b>Address</b>	2400 Bethabara Road
<b>Type of Request</b>	Special Use Limited Rezoning from RM12-S to IP-L
<b>Proposal</b>	The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RM12-S (Residential Multifamily twelve (12) units per acre) <b>to</b> IP-L (Institutional and Public – special use limited zoning). The petitioner is requesting the following uses: Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Child Day Care Center; Child Care, Drop-In; Child Care Institution; School, Private; and Adult Day Care Center.
<b>Neighborhood Contact/Meeting</b>	Per a letter received on November 21 <sup>st</sup> , 2017:  On November 12, 2017 we contacted a total of 18 property owners in the general area of the property located at 2400 Bethabara Road and Speas Road. We went door to door placing the announcement concerning the rezoning. The letter asked each property owner to meet with us concerning the rezoning of the property.  On November 19, 2017, at 2 PM we held a meeting on the foresaid site with 4 of the property owners present. All of those present were excited about the property being rezoned back to a church. Two stated they would do whatever was needed to get the rezoning done. One of the concerns was the property needed a stop sign upon exiting the property. They stated while it was a day care center drivers would not stop before entering Speas Road.  Roy A. Swann- Pastor
<b>Zoning District Purpose Statement</b>	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.
<b>Applicable Rezoning Consideration from Chapter B,</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b> Yes. The petition is requesting low-intensity institutional uses that serve the general area. Child Day Care Center is already allowed on this site.

<b>Article VI, Section 6-2.1(R)</b>	
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**GENERAL SITE INFORMATION**

<b>Location</b>	Southwest corner of Bethabara Road and Speas Road		
<b>Jurisdiction</b>	Winston-Salem		
<b>Ward(s)</b>	North Ward		
<b>Site Acreage</b>	± 4.43 acres		
<b>Current Land Use</b>	The subject property contains three unoccupied structures. The approved use is for a child day care center.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RM18 & RS9	Apartments (Towergate) and single family homes
	East	RS12	Single family homes
	South	RS9	Single family homes
	West	RS9	Single family homes
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>		
	Yes. The subject property is located within a mixture of single family and multi-family districts. The addition of the proposed institutional uses are compatible within this residential development pattern.		
<b>Physical Characteristics</b>	The developed site is largely flat with a gentle downward grade to the southwest. A mixture of trees border the site to the north, west, and south.		
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the subject property.		
<b>Stormwater/ Drainage</b>	No known issues.		
<b>Watershed and Overlay Districts</b>	The subject property is not located within a watershed.		
<b>Analysis of General Site Information</b>	The site is currently developed with three separate buildings located on the eastern portion of the site. The site contains two separated parking areas and driveways.		

**RELEVANT ZONING HISTORIES**

<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
W-2328	RM12-S to Site Plan Amendment	Approved 5/17/1999	Current Site	± 4.43 acres	Approval	Approval
W-1966	RM12-S to Site Plan Amendment	Approved 6/8/1995	Current Site	± 4.43 acres	Approval	Approval
W-1213	RM12-S to Site Plan Amendment	Approved 12/13/1984	Current Site	± 4.43 acres	Approval	Approval

W-1188	RM12 & RS9 to RM12-S	Approved 8/9/1984	Current Site	± 4.43 acres	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Bethabara Road	Minor Thoroughfare	177'	2,800	13,800		
Speas Road	Local Street	435'	NA	NA		
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RM12-S</u> 10,286 sf/1000 x 79.26 (day care center trip rate) = 815 trips per day  Staff is unable to provide a detailed trip generation for the proposed special use limited zoning because there are no site plans.					
<b>Sidewalks</b>	There are no sidewalks located in the general area.					
<b>Transit</b>	WSTA Route 109 stops approximately 0.5 miles to the south at the intersection of Bethabara Road and Bethabara Park Boulevard.					
<b>Connectivity</b>	The subject property currently has two separated parking areas. Both parking areas are served by drives onto Speas Road.					
<b>Analysis of Site Access and Transportation Information</b>	The site has extensive frontage along two public streets, one of which is a minor thoroughfare. Staff does not envision any transportation issues pertaining to this request.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 (Suburban Neighborhoods)					
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan.</li> <li>• Encourage the development of a range of childcare facilities.</li> <li>• Encourage redevelopment and reuse of existing site and buildings that are compatible and complimentary with the surrounding area.</li> </ul>					
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan Update (2014)</i>					
<b>Area Plan Recommendations</b>	The 2014 Proposed Land Use Map recommends institutional land use for the subject property.					
<b>Site Located Along Growth Corridor?</b>	No					
<b>Site Located within Activity Center?</b>	No					
<b>Applicable Rezoning Consideration from Chapter B,</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>					
	No					
	<b>(R)(4) - Is the requested action in conformance with Legacy 2030?</b>					

<b>Article VI, Section 6-2.1(R)</b>	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The proposed request is to rezone an existing RM12-S zoned lot to IP-L in order to add additional institutional uses.</p> <p>The subject property was originally constructed as a church in 1965. The property was rezoned to allow for a daycare center in 1984. There were three site plan amendments to the site to expand the daycare center operations to additional facilities. The current site contains the original repurposed sanctuary and two additional buildings.</p> <p>The <i>North Suburban Area Plan Update</i> recommends institutional land use for the subject property. <i>Legacy 2030</i> recommends the location of public amenities at key, easy-to-access locations within neighborhoods.</p> <p>Therefore, the request is consistent with both <i>Legacy 2030</i> and the area plan. As the subject property is located within a residential neighborhood setting, staff recommends a condition to prohibit electronic message board signs.</p>
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The request would allow for a greater range of institutional uses that are compatible with the residential character of the neighborhood.	The proposed IP-L District would allow a slightly larger sign than the existing RM12-S district.
The request is consistent with the recommendations of the <i>North Suburban Area Plan Update</i> and <i>Legacy 2030</i>	
The request would facilitate the use of a vacant property that was formerly used for institutional uses.	
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>	
<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"> <li>• <b><u>OTHER REQUIREMENTS:</u></b> <ol style="list-style-type: none"> <li>a. No electronic message board signs shall be allowed on the subject property.</li> </ol> </li> </ul>	

**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.**



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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3354  
DECEMBER 14, 2017**

Aaron King presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Allan Younger

VOTE:

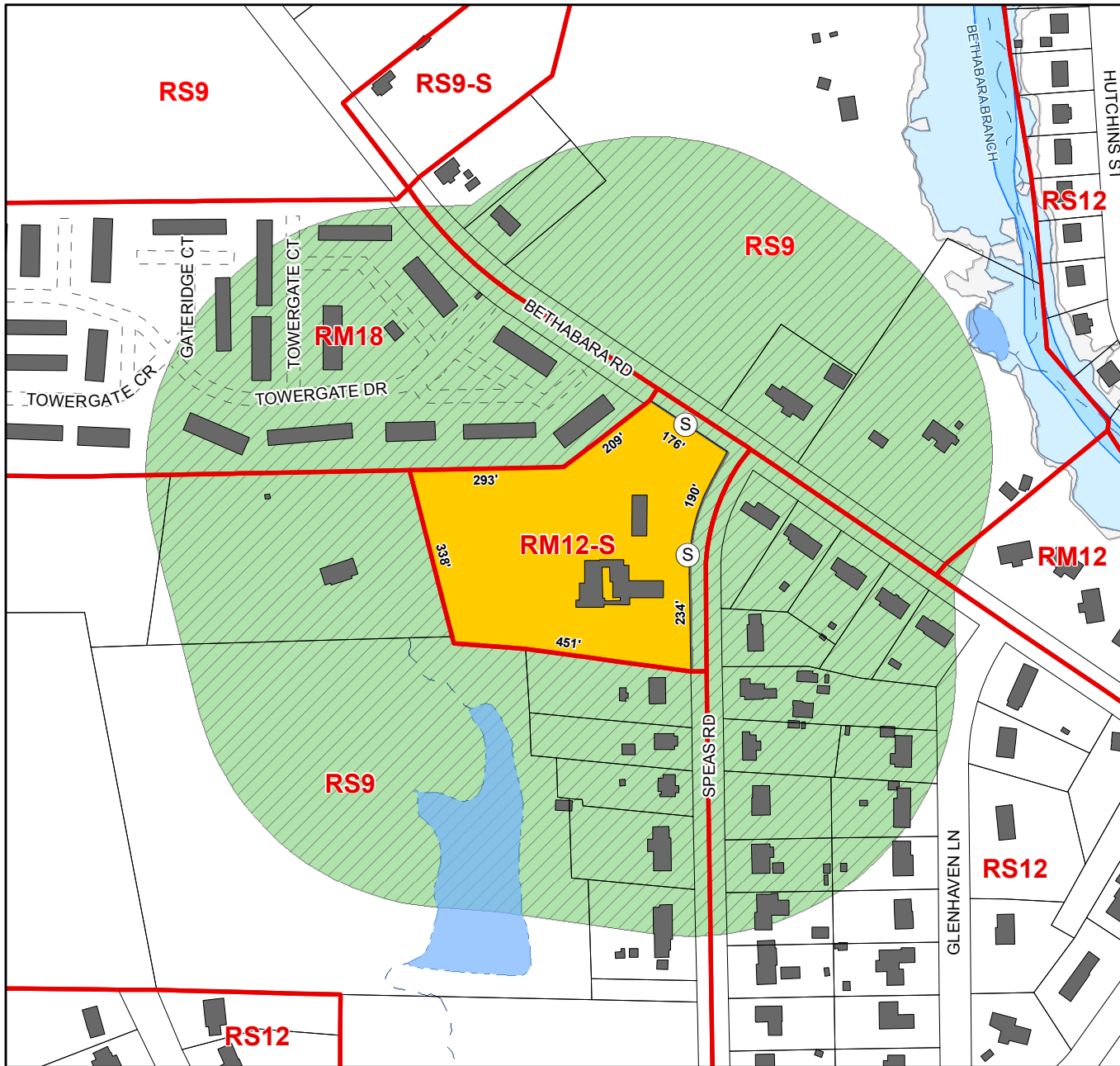
FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe,  
Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services





**DOCKET #:** W3354

**PROPOSED ZONING:**  
IP-L

**EXISTING ZONING:**  
RM12-S

**PETITIONER:**  
Clarthria Wherry

 Property included in zoning request.

 500' mail notification radius. Property not in zoning request.

**SCALE:** 1" represents 300'

**STAFF:** Wilson

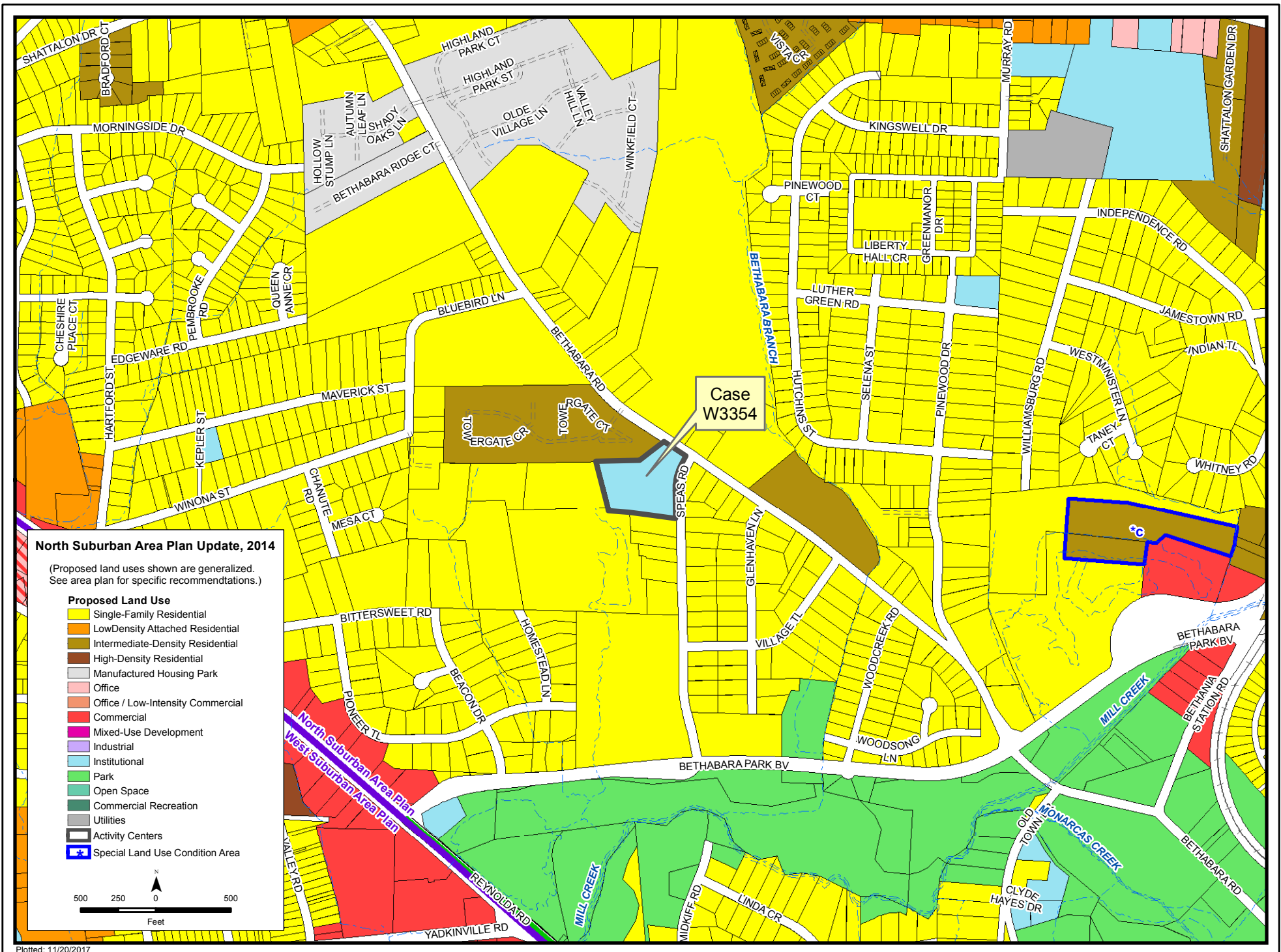
**GMA:** 3

**ACRES:** 4.43

**NEAREST BLDG:** 17' south

**MAP(S):** 6818.03





**North Suburban Area Plan Update, 2014**

(Proposed land uses shown are generalized. See area plan for specific recommendations.)

**Proposed Land Use**

- Single-Family Residential
- Low-Density Attached Residential
- Intermediate-Density Residential
- High-Density Residential
- Manufactured Housing Park
- Office
- Office / Low-Intensity Commercial
- Commercial
- Mixed-Use Development
- Industrial
- Institutional
- Park
- Open Space
- Commercial Recreation
- Utilities
- Activity Centers
- Special Land Use Condition Area

