

DOCKET #: W3074

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
LB-S

PETITIONER:
June Miller
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 1.66

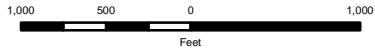
NEAREST BLDG: 20' east

MAP(S): 642846



Waughtown Area National Register Districts

National Register Status
National Register



Waughtown /
Belview

Subject Property
W-3074











Plot Date: July 27, 2010
Data Sources: Forsyth County & Winston-Salem GIS
Created by: Planning Information & Graphic Services
City-County Planning Board
P.O. Box 2511
Winston-Salem, NC 27102
336.727.2087 planning@cityofws.org



Southeast Area Plan, 2002

**Proposed Land Use Changes
SOUTHEAST AREA PLAN**



LAND USE CLASSIFICATIONS


-  LOW DENSITY RESIDENTIAL (UP TO 5 DU/AC)
-  URBAN RESIDENTIAL
Text Page 23
-  MODERATE DENSITY RESIDENTIAL (UP TO 8 DU/AC)
-  OFFICE
-  OFFICE/COMMERCIAL
-  COMMERCIAL
-  INDUSTRIAL
-  OPEN SPACE/PARKS


SPECIAL LAND USE DESIGNATIONS
Residential Opportunity Areas
(SEE UPPER CASE LETTERS)


-  LOW DENSITY (UP TO 5 DU/AC)
Text Page 24
-  MODERATE DENSITY (UP TO 8 DU/AC)
Text Page 25


Special Use Designations

-  MIXED USE OPPORTUNITY AREA
(SEE ROMAN NUMERALS) Text Page 26
-  * SPECIAL LAND USE CONDITION AREA
(SEE LOWER CASE LETTERS) Text Page 28

 Planning Area

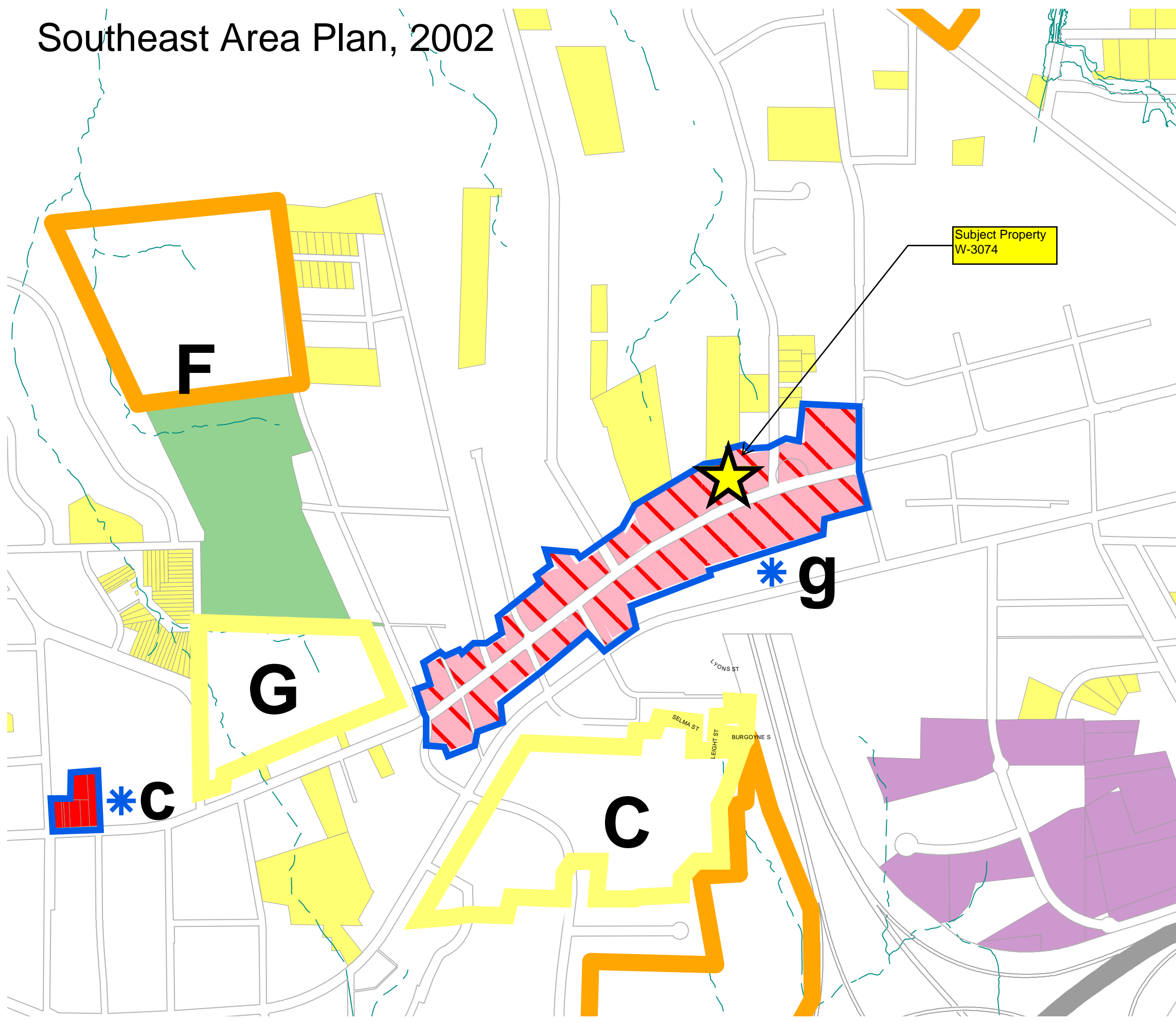
 Railroads

 Streams

 Flood Zones

N
↑

1" = 600'



August 25, 2010

June A. Miller
2411 Waughtown Street
Winston-Salem, NC 27101

RE: SITE PLAN AMENDMENT W-3074

Dear Ms. Miller:

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

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
John Beeson, 503 High Street, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: August 25, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Site Plan Amendment of June A. Miller

SUMMARY OF INFORMATION:

Site plan amendment of June A. Miller for LB-S (Services, Personal and Child Daycare Center) zoned property: property is located on the north side of Waughtown Street, west of Reynolds Forest Drive (Zoning Docket W-3074).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of June A. Miller,
Docket W-3074

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 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 granting a Site Plan Amendment for property zoned LB-S (Services, Personal and Child Daycare Center) - Site Plan Amendment and described as follows:

PIN #6844-78-4159 and 6844-78-5273

Section 2. This Ordinance is adopted after approval of the site plan entitled Maxx Kinder Kollege and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to June A. Miller.

Section 3. The City Council 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 Maxx Kinder Kollege. 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 City Council

of the City of Winston-Salem

The City Council 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 June A. Miller, (Zoning Docket W-3074). 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 LB-S (Services, Personal and Child Daycare 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 LB-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. Developer shall obtain driveway permits from the City of Winston-Salem Public Works Department and NCDOT. Required improvements include but are not limited to:
 - Installation of sidewalk along Waughtown Street.
 - b. Developer shall abandon the 30' access easement which runs along Norton Street.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All required improvements of the City of Winston-Salem and NCDOT driveway permits shall be completed.
- **OTHER REQUIREMENTS:**
 - a. The two existing principal buildings shall be retained in their original, existing location on the site. The buildings shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by Historic Resources Staff of the CCPB. Any exterior work to the buildings or the site must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by Historic Resources Staff of the CCPB.
 - b. If a grading plan is required a tree save plan will be required.
 - c. Each development shall be limited to one monument type sign each with a maximum of height of six (6) feet and a maximum copy area of 20 square feet.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3074		
Staff	Gary Roberts Jr. AICP		
Petitioner(s)	June A. Miller		
Owner(s)	Same		
Subject Property	PIN #6844-78-4159 and 6844-78-5273		
Address	2411 and 2421 Waughtown Street		
Type of Request	Site Plan Amendment for LB-S zoned property.		
Proposal	<p>The petitioner is requesting a Site Plan Amendment to the existing LB-S zoned property to add a new 3,072 sf building for a Child Daycare Center. The permitted uses established for this site in 1998 (W-2233) are:</p> <ul style="list-style-type: none"> • Services, Personal and Child Daycare Center 		
Neighborhood Contact/Meeting	According to an email received from the site plan preparer on 8-3-10 the petitioner “has only talked to a limited number of neighbors.”		
GENERAL SITE INFORMATION			
Location	North side of Waughtown Street, west of Reynolds Forest Drive		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	± 1.66 acres		
Current Land Use	The site is currently used for a child day care center and a beauty shop.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Undeveloped property
	East	RS-9	Single family homes
	South	RS-9	Single family homes
	West	LB-S	Waughtown Automotive
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	No change in uses is being proposed.		
Physical Characteristics	The site has a gentle slope downward to the northeast and includes several mature canopy trees which are shown on the site plan as to remain.		
Proximity to Water and Sewer	Public water and sewer are available.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The site is not within a water supply watershed.		

Historic, Natural Heritage and/or Farmland Inventories	<p>The subject property contains two contributing resources located within the Waughtown-Belview National Register Historic District. Both known as Masten Houses, the property located at 2411 Waughtown Street is a c. 1900 residence, designed in the I-house style. It is a two-story, side-gable structure with pedimented gable ends and a Craftsman-style porch. Although it has been sided with vinyl and has replacement windows, the structure retains its overall architectural integrity. The 1950 City Directory cites that Harvey and Lillie Masten were the owner-occupants, and were farmers. The structure located at 2421 is also a two-story side gable I-House. It features decorative windows, and an original double-leaf entrance. The 1950 City Directory cites that Reuben and Leola Masten were the owner-occupants, and were also farmers. Historic Resources staff has met with the petitioner and reviewed the proposed site plan. Historic Resources staff supports a condition clarifying protection of the contributing structures, retention of the existing canopy trees and site placement of the new structure at the rear of the site.</p>			
Analysis of General Site Information	<p>The buildings on the subject property are listed as contributing structures within the Waughtown-Belview National Register Historic District. A condition regarding compliance with the <i>Secretary of the Interior's Standards for Rehabilitation</i> is recommended.</p>			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Waughtown Street	Major Thoroughfare	319'	10,000	15,600
Norton Street	Platted unopened street	296'	NA	NA
Proposed Access Point(s)	<p>The two existing driveways on Waughtown Street (one being an exit only) will remain.</p>			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: LB-S (for Day Care Center Only)</u> 1,560 sf / 1,000 x 79.26 (Day Care Center Trip Rate) = 124 Trips per Day</p> <p><u>Proposed Zoning: LB-S (for Day Care Center Only)</u> 4,632 sf / 1,000 x 79.26 (Day Care Center Trip Rate) = 367 Trips per Day</p>			
Sidewalks	<p>Sidewalks are required along the frontage of the subject property.</p>			
Transit	<p>Route 29 along Waughtown Street</p>			
Analysis of Site Access and Transportation Information	<p>The existing points of access will not change and staff does not anticipate any negative transportation impacts from this request.</p>			

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 2, Urban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Promote economic development which is compatible with existing residential neighborhoods and other business developments. • Protect residential areas from inappropriate commercial encroachment. • Create more livable neighborhoods with nearby services that can be reached by walking, bicycling, or taking a bus. • Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.
Relevant Area Plan(s)	<i>Southeast Winston-Salem Area Plan (SEAP) 2002</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The area, characterized by a mixture of residential and nonresidential uses, is designated in the adopted Plan for office/commercial use. The Plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use.
Addressing	As long as the existing house and new building are operated as one business they can continue to use one address 2411 Waughtown Street.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	Yes, the site directly to the west across Norton Street was rezoned to a more intensive district in 2009.
	(R)(4) - Is the requested action in conformance with Legacy?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to add a new 3,072 sf building to the site in order to expand the existing day care center use. The <i>SEAP</i> recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use. The site is also within the Waughtown-Belview National Register Historic District and includes two very well maintained contributing structures.</p> <p>Considering that no changes will be made to the existing houses and the large canopy trees will remain on the site, staff is supportive of the proposed day care center expansion. However, considering the historical character and quality of this portion of Waughtown Street, care needs to be taken in regard to such expansions. The site plan shows the location of the proposed building; however, without knowing what the building will look like staff is unable to determine whether or not the proposed structure will be compatible with the surrounding properties. Basic building elements such as roof pitch and fenestration i.e. windows and doors, have a large impact on the appearance of structures and how they fit in with the context of the neighborhood.</p>

Because the proposed location for said building is behind one of the existing two story structures, its visibility from the eastern perspective of Waughtown Street would be very limited. However, from the western perspective and from the properties along Norton Street, it will be clearly visible. In order to minimize the visual impact of the proposed building, staff recommends the petitioner consider providing additional landscaping.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3026	PB-S to HB-S	Approved 5-18-09	Directly west	1.6	Denial	Denial
W-2233	RS-9 to LB-S	Approved 7-6-98	Current site	1.66	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

Building Square Footage	Square Footage	Placement on Site	
	3,072 sf new building	Rear portion of site	
Parking	Required	Proposed	Layout
	24 spaces	24 spaces	To the rear of the existing structures and to the side of the proposed structure
Building Height	Maximum	Proposed	
	40'	2 stories (existing), 1 story (proposed)	
Impervious Coverage	Maximum	Proposed	
	75%	28%	
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (G) Limited Business District Chapter B, Article II, Section 2-5.18 Child Day Care Center 		
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy policies:</i>	Yes	
	(B) <i>Environmental Ord.</i>	NA	
	(C) <i>Subdivision Regulations</i>	NA	
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request meets UDO requirements.		

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request is consistent with the recommendations of the <i>Southeast Winston-Salem Area Plan</i> .	The proposed building may not fit in architecturally with other nearby structures which are located within the Waughtown-Belview National Register Historic District.
Request is consistent with the recommendations of <i>Legacy</i> .	
Request will retain the existing 'contributing' historic structures.	

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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.

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 - b. If a grading plan is required a tree save plan will be required.
 - c. Each development shall be limited to one monument type sign each with a maximum of height of six (6) feet and a maximum copy area of 20 square feet.

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3074
AUGUST 12, 2010**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following comment was made:

1. Lynne Mitchell noted that she knows there may be some concern in the neighborhood about this request but that she supports it because of the recommendation from the Historic Resources Commission about the structures

MOTION: Clarence Lambe moved approval of the Site Plan Amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

15' Type II Bufferyard design Options

(Minimum Plant Material per 100 Linear feet: 2 deciduous trees, 8 primary evergreen plants, 20 supplemental evergreen shrubs)
 total 12 deciduous trees, (Min. 8' Tall & at least 2" in diameter measured 6" above ground at installation); total 47 primary evergreen plants, (Min. 6' at installation & Ht.10' @ maturity); total 118 supplemental evergreen shrubs, (Min. 18" Ht. at Installation & 36" 3 years after installation).

Spacing of Plant Material

- (a) All deciduous trees shall be installed with tree trunks spaced a minimum distance of 30 feet apart and a maximum distance of 60 feet apart.
- (b) All primary evergreen plants shall be evenly distributed along the length of the bufferyard and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of 7 feet apart and a minimum of 15 feet from other primary evergreen plants and from any required deciduous tree.
- (c) All supplemental evergreen shrubs shall be distributed evenly along length of the bufferyard and shall be staggered where quantities permit.

Maintenance:

Any plant material used for screening shall be maintained in sound condition by bufferyard provider. Maintenance includes replacement of any required bufferyard material which is damaged and/or dying.

PIN 6844-78-2654.00
 TAX LOT 12, BLOCK 2595
 Lacy E. Downing
 Pamela M Downing
 D.B.1691, Pg.3745
 ZONED: RS-9

PIN 6844-78-4686.00
 TAX LOT 13C, BLOCK 2595
 Lacy E. Downing
 Pamela M Downing
 D.B.1740, Pg.145
 ZONED: RS-9

PIN 6844-78-5273.00
 TAX LOT 14C, BLOCK 2595
 JUNE ADRIANE MILLER
 D.B.1843, Pg.3612
 ZONED: LB-S

TAX LOT 14E, BLOCK 2595
 ZONED: RS-9

Lawrence B. Page
 Patricia S. Page
 D.B.1855, Pg.2719
 PIN 6844-78-6287.00

PIN 6844-78-2028.00
 TAX LOT 11A & 11B, BLOCK 2595
 Zeb V. Norton Jr.
 Clara R Norton
 D.B.1042, Pg.137
 ZONED: PB-S

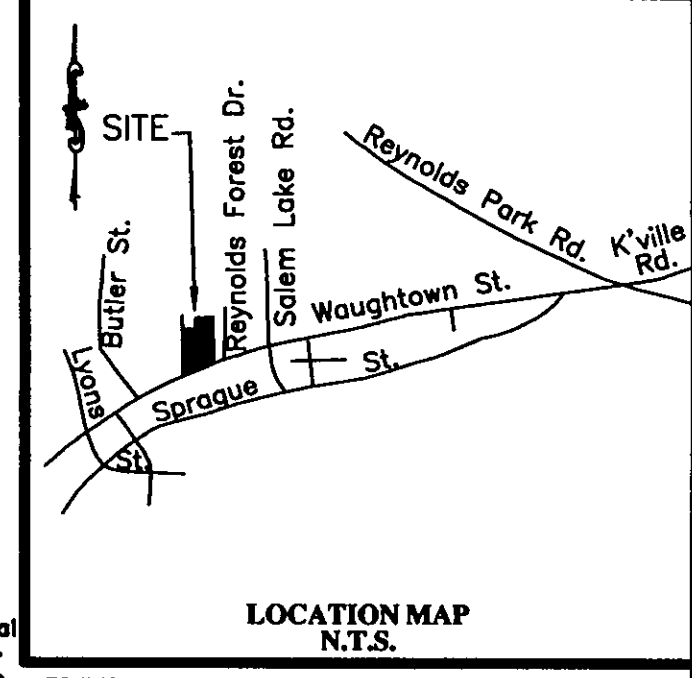
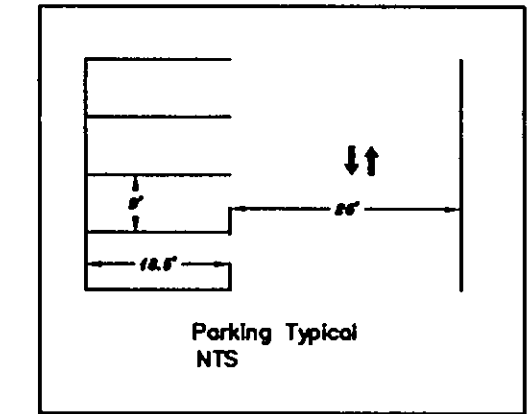
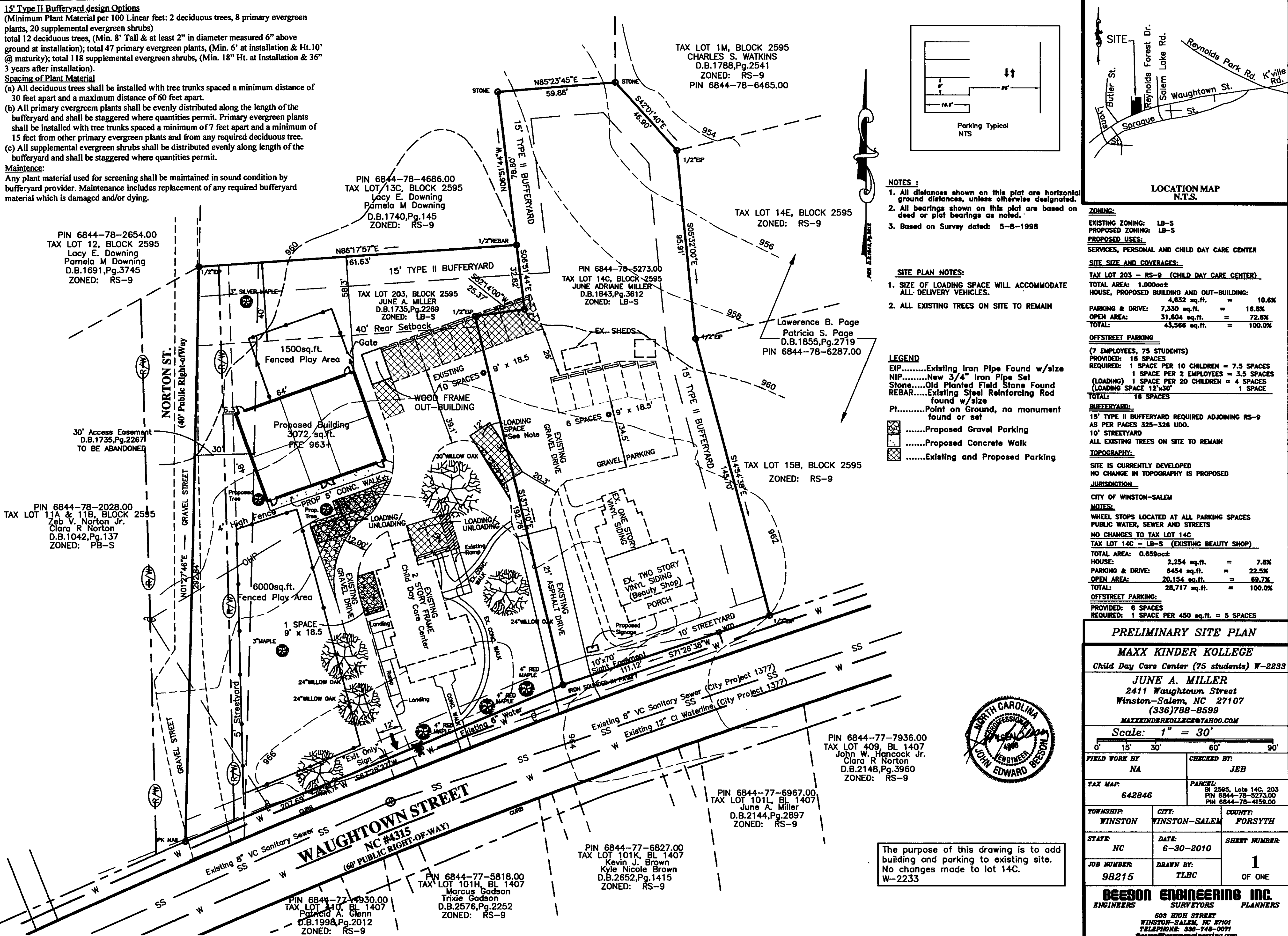
PIN 6844-77-4930.00
 TAX LOT 110, BL 1407
 Patricia A. Glenn
 D.B.1998, Pg.2012
 ZONED: RS-9

PIN 6844-77-5818.00
 TAX LOT 101H, BL 1407
 Marcus Gadson
 Trixie Gadson
 D.B.2576, Pg.2252
 ZONED: RS-9

PIN 6844-77-6967.00
 TAX LOT 101L, BL 1407
 June A. Miller
 D.B.2144, Pg.2897
 ZONED: RS-9

PIN 6844-77-6827.00
 TAX LOT 101K, BL 1407
 Kevin J. Brown
 Kyle Nicole Brown
 D.B.2652, Pg.1415
 ZONED: RS-9

PIN 6844-77-7936.00
 TAX LOT 409, BL 1407
 John W. Hancock Jr.
 Clara R Norton
 D.B.2148, Pg.3960
 ZONED: RS-9



- NOTES:**
- All distances shown on this plat are horizontal ground distances, unless otherwise designated.
 - All bearings shown on this plat are based on deed or plat bearings as noted.
 - Based on Survey dated: 5-8-1998

- SITE PLAN NOTES:**
- SIZE OF LOADING SPACE WILL ACCOMMODATE ALL DELIVERY VEHICLES.
 - ALL EXISTING TREES ON SITE TO REMAIN

- LEGEND**
- EIP.....Existing Iron Pipe Found w/size
 - NIP.....New 3/4" Iron Pipe Set
 - Stone.....Old Planted Field Stone Found
 - REBAR.....Existing Steel Reinforcing Rod found w/size
 - Pt.....Point on Ground, no monument found or set
 - [Symbol].....Proposed Gravel Parking
 - [Symbol].....Proposed Concrete Walk
 - [Symbol].....Existing and Proposed Parking

ZONING:
 EXISTING ZONING: LB-S
 PROPOSED ZONING: LB-S

PROPOSED USES:
 SERVICES, PERSONAL AND CHILD DAY CARE CENTER

SITE SIZE AND COVERAGES:
TAX LOT 203 - RS-9 (CHILD DAY CARE CENTER)
 TOTAL AREA: 1,000sqft
 HOUSE, PROPOSED BUILDING AND OUT-BUILDING: 4,632 sq.ft. = 10.6%
 PARKING & DRIVE: 7,330 sq.ft. = 18.8%
 OPEN AREA: 31,604 sq.ft. = 72.6%
 TOTAL: 43,566 sq.ft. = 100.0%

OFFSTREET PARKING
 (7 EMPLOYEES, 75 STUDENTS)
 PROVIDED: 16 SPACES
 REQUIRED: 1 SPACE PER 10 CHILDREN = 7.5 SPACES
 1 SPACE PER 2 EMPLOYEES = 3.5 SPACES
 (LOADING) 1 SPACE PER 20 CHILDREN = 4 SPACES
 (LOADING SPACE 12'x30') 1 SPACE
 TOTAL: 16 SPACES

BUFFERYARD:
 15' TYPE II BUFFERYARD REQUIRED ADJOINING RS-9 AS PER PAGES 325-326 UDO.
 10' STREETYARD
 ALL EXISTING TREES ON SITE TO REMAIN

TOPOGRAPHY:
 SITE IS CURRENTLY DEVELOPED
 NO CHANGE IN TOPOGRAPHY IS PROPOSED

JURISDICTION
 CITY OF WINSTON-SALEM

NOTES:
 WHEEL STOPS LOCATED AT ALL PARKING SPACES
 PUBLIC WATER, SEWER AND STREETS
 NO CHANGES TO TAX LOT 14C
TAX LOT 14C - LB-S (EXISTING BEAUTY SHOP)
 TOTAL AREA: 0.659ac
 HOUSE: 2,254 sq.ft. = 7.8%
 PARKING & DRIVE: 6454 sq.ft. = 22.5%
 OPEN AREA: 20,154 sq.ft. = 69.7%
 TOTAL: 28,717 sq.ft. = 100.0%

OFFSTREET PARKING:
 PROVIDED: 6 SPACES
 REQUIRED: 1 SPACE PER 450 sq.ft. = 5 SPACES

PRELIMINARY SITE PLAN		
MAXX KINDER KOLLEGE		
Child Day Care Center (75 students) W-2233		
JUNE A. MILLER		
2411 Waughtown Street Winston-Salem, NC 27107 (336)788-8599 MAXXKINDERKOLLEGE@YAHOO.COM		
Scale: 1" = 30'		
0' 15' 30' 60' 90'		
FIELD WORK BY	CHECKED BY:	
NA	JEB	
TAX MAP:	PARCEL:	
642846	Bl 2595, Lots 14C, 203 PIN 6844-78-5273.00 PIN 6844-78-4158.00	
TOWNSHIP:	CITY:	COUNTY:
WINSTON	WINSTON-SALEM	FORSYTH
STATE:	DATE:	SHEET NUMBER:
NC	6-30-2010	1
JOB NUMBER:	DRAWN BY:	OF ONE
98215	TLBC	1
BEESON ENGINEERING INC.		
ENGINEERS SURVEYORS PLANNERS		
505 HIGH STREET WINSTON-SALEM, NC 27101 TELEPHONE: 336-748-0071 beeson@beesonengr.com		

The purpose of this drawing is to add building and parking to existing site. No changes made to lot 14C. W-2233

