DOCKET #: W2955

PROPOSED ZONING:
RM8-S

EXISTING ZONING:
RS9

PETITIONER:
Charles G. Cooper Sr. and Carolyn M. Cooper for property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 2

ACRES: 0.55

NEAREST BLDG: 50' north

MAP(S): 648862
September 19, 2007

Charles G. Cooper, Sr. and 
Carolyn M. Cooper 
1480 Harvest Drive 
Winston-Salem, NC  27101

RE:  ZONING MAP AMENDMENT W-2955

Dear Mr. Cooper and Ms. Cooper:

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
Staci Manter, 2395 Asheby Woods Court, Kernersville, NC  27284
Carolyn Cooper, 1480 Harvest Drive, Winston-Salem, NC  27101
Hilton Stone, Jr. and Lily Stone, 1490 Harvest Drive, Winston-Salem, NC  27101
Ola Vineyard, 4416 Edrem Avenue, Winston-Salem, NC  27101
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>September 19, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of Charles G. Cooper, Sr. and Carolyn M. Cooper

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Charles G. Cooper, Sr. and Carolyn M. Cooper from RS-9 to RM-8-S (Child Day Care Center); property is located on the west side of Harvest Drive, south of Edrem Avenue (Zoning Docket W-2955).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL

**FOR:** JERRY CLARK, ARNOLD KING, ARTHUR KING, CLARENCE LAMBE, LYNNE MITCHELL

**AGAINST:** WESLEY CURTIS, CAROL EICKMEYER, BRENDRA SMITH

**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
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 RS-9 to RM-8-S (Child Day Care Center) the zoning classification of the following described property:

Tax Lot 2, Tax Block 3285

Section 2. This Ordinance is adopted after approval of the site plan entitled Happy Days Childcare and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of ________________, 20___ to Charles G. Cooper, Sr. and Carolyn M. Cooper.

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 Happy Days Childcare. 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.
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 Charles G. Cooper, Sr. and Carolyn M. Cooper, (Zoning Docket W-2955). 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 City Council 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 GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Obtain a special use permit from the Winston-Salem Zoning Board of Adjustments.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

- **OTHER REQUIREMENTS**
  a. The proposed day care center shall be limited to a maximum of 30 children at any time/shift.
# PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2955</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Charles G. Cooper, Sr. and Carolyn M. Cooper</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 2, Tax Block 3285</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from RS-9 to RM-8-S</td>
</tr>
</tbody>
</table>
| Proposal     | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to RM-8-S (Residential Multifamily; up to 8 du/ac). The petitioner is requesting the following uses:  
• Child Day Care Center |
| Zoning District Purpose Statement | The RM-8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3. |
| (S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? | Yes, the site is located in GMA 2. |

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Harvest Drive, south of Edrem Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 0.55 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Single family home</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td>MU-S &amp; RS-9</td>
<td>Human Service Alliance; gas station</td>
</tr>
<tr>
<td>South</td>
<td>IP &amp; RS-9</td>
<td>Petree Elementary School; single family home</td>
</tr>
<tr>
<td>West</td>
<td>RS-9 &amp; MH</td>
<td>Single family homes</td>
</tr>
</tbody>
</table>

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? Yes, the site is located within a neighborhood but is also located in close proximity to commercial uses that front on Old Greensboro Road.
<table>
<thead>
<tr>
<th>Physical Characteristics</th>
<th>The site is flat and contains no streams or wetlands.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proximity to Water and Sewer</td>
<td>The site has access to public water and public sanitary sewer.</td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>No known issues</td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The subject property is not located within the boundaries of an area plan or development guide.</td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The subject property is 0.55 acres in size and is located on the west side of Harvest Drive. The site currently contains a single family home that is used as a large-home daycare. The site is suitable for the proposed improvements.</td>
</tr>
</tbody>
</table>

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harvest Drive</td>
<td>Local Road</td>
<td>+/- 201 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>The site plan proposes a one-way access loop with two driveway cuts on Harvest Drive.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trip Generation - Existing/Proposed</td>
<td><strong>Existing Zoning: RS-9</strong>&lt;br&gt;0.55 x 43,560 / 9,000 = 2 x 9.57 (SFR Trip Rate) = 19 Trips per Day&lt;br&gt;&lt;br&gt;<strong>Proposed Zoning: RM-8-S</strong>&lt;br&gt;3,018 / 1,000 x 79.26 (Day Care Center Trip Rate) = 239 Trips per Day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>None existing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Route 25 runs along Old Greensboro Road.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Impact Study (TIS)</td>
<td>Not required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Access and Transportation Information</td>
<td>This request will result in an increase in trip generation of approximately 220 trips per day. The existing street network will be able to accommodate the increase in trip generation estimated from this request.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Generalized Recommended Conditions</td>
<td><strong>BRIEF DESCRIPTION OF CONDITION(S):</strong>&lt;br&gt;• Condition for City of Winston-Salem driveway permit&lt;br&gt;• Condition to repair any damage to City streets</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 2 (Urban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business.</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>The subject property is not located within an area plan or development guide.</td>
</tr>
</tbody>
</table>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(3) - Have changing conditions substantially affected the area in the petition?
No

(S)(4) - Is the requested action in conformance with Legacy?
Yes

Analysis of Conformity to Plans and Planning Issues
The subject request is consistent with the recommendations of Legacy. The existing home is currently used as a large-home daycare which would allow the petitioner to keep “six to twelve children when any child is preschool-age, or up to fifteen children when all children are school-age.” Approval of this request for a child daycare center would allow the petitioner to keep “thirteen or more children when any child is preschool-age, or sixteen or more children when all children are school-age.” The site plan indicates that up to 57 children may be kept at this facility.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2915</td>
<td>MU-S to MU-S</td>
<td>Approved 4/2/07</td>
<td>East</td>
<td>16.35</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2606</td>
<td>RS-9 to RM-8-S</td>
<td>Denied 4/7/03</td>
<td>Subject property</td>
<td>0.55</td>
<td>Approval</td>
</tr>
</tbody>
</table>

RELEVANT ZONING HISTORIES

Site Plan Compliance with UDO Requirements

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,018 sf</td>
<td>Approximate middle</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14 spaces</td>
<td>14 spaces</td>
<td>90° head-in</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>45 feet</td>
<td>1-story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>39%</td>
</tr>
</tbody>
</table>

UDO Sections Relevant to Subject Request
- Section 2-1.2(L) RM-8 District

Complies with Chapter B, Article VII, Section 7-5.3

(A) Legacy policies: Yes
(B) Environmental Ord.: Yes
(C) Subdivision Regulations: NA

Analysis of Site Plan Compliance with UDO Requirements
The site plan proposes retaining the existing house and using it for a child daycare center. Parking will be located in front the home with the play area located to the rear of the structure. Staff is awaiting minor revisions to the site plan to insure UDO compliance.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is consistent with the recommendations of Legacy.</td>
<td>Neighbors may experience an increase in traffic on Harvest Drive.</td>
</tr>
<tr>
<td>This request would allow the existing home to expand into a daycare center.</td>
<td></td>
</tr>
<tr>
<td>The site is located close to an elementary school.</td>
<td></td>
</tr>
</tbody>
</table>

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.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:
   a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
   a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

PRIOR TO THE ISSUANCE OF ANY PERMITS:
   a. Developer shall obtain a Special Use Permit from the Zoning Board of Adjustment.

OTHER REQUIREMENTS
   a. The proposed day care center shall be limited to a maximum of 30 children at any time/shift.

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.

Aaron King presented the staff report.

PUBLIC HEARING

FOR:

Staci Manter, 2395 Asheby Woods Court, Kernersville, NC 27284
   • I represent the petitioner.
   • This is currently a Large-Home Day Care which is licensed to operate and does currently operate 24 hours a day.
This rezoning would change the use to Day Care Center which would only operate during business hours. That would limit the night-time traffic.

The increase is only based on the square footage of the existing building. She does not plan to expand the building.

The school is located behind this property and apartments on Old Greensboro Road are being renovated. Both are sources within this immediate area which Ms. Cooper's Day Care Center could serve.

Because her property is located on Harvest Drive at the intersection with Old Greensboro Road so traffic would not have to drive through the neighborhood to reach it.

This day care exists and enlarging it slightly will serve the immediate community.

Currently Ms. Cooper's facility is large enough to serve 36 children and this change would allow 57 children.

Carolyn Cooper, 1480 Harvest Drive, Winston-Salem, NC  27101
  • I've gotten a lot of requests for childcare.
  • What I want to do is cut out the second and third shift and only have the first shift.

AGAINST:

Hilton Stone, Jr., 1490 Harvest Drive, Winston-Salem, NC  27101
  • We live directly beside this house.
  • Submitted petition from neighbors in opposition to this request.
  • We'd like to leave this as single family zoning.
  • We're not against Ms. Cooper having a Day Care Center, but just against the increase in numbers.
  • None of the people who lives near this site are supportive of this.
  • We strongly oppose rezoning this single family dwelling.

Ola Vineyard, 4416 Edrem Avenue, Winston-Salem, NC  27101
  • I live right behind this site.
  • I agree with Mr. Stone.
  • We just don't need more children in this house.
  • We also don't need more traffic.
  • We're glad for her to have a place, but it would be nice for her to have one that would handle the size group she wants to take care of.

Lily Stone, 1490 Harvest Drive, Winston-Salem, NC  27101
  • I love Ms. Cooper, but there are already three day cares in this neighborhood.
  • My bedroom is right at the playground.
  • She's going to move out and leave us with the noise.
  • I'm awakened every morning anyway with the number of children she has, and dread having even more children there.

NOTE: We should have two petitions - one in opposition, one in support. Mr. Stone asked that his copy be returned. If it was returned, it cannot be a part of the official record because we don't have a copy of it.
WORK SESSION

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

1. In response to a question from Ms. Mitchell, Ms. Cooper indicated that she has a three-star rating for her day care and is up for her assessment on October 17th. The scale is from one to five stars.

2. Ms. Cooper also stated in response to a question that she has 12 children on second shift and 12 children on first shift and six on third shift.

3. The petitioner acknowledged that she lives here only three nights a week which is permissible to qualify for an in-home day care center.

4. There is enough indoor and outdoor area to allow 57 children to be cared for according to State requirements.

5. The maximum number of children she could have at this time would be 12 preschool or 15 school-age children in any given shift.

6. Increasing the buffer within the 15 foot bufferyard would not impact the number of children she could have.

7. As a Large Home Care, the owner and operator of the day care has to live at the facility. As a Day Care Center, the owner and operator does not have to live there.

8. Day care facilities in communities are a real need. It's hard for parents. The neighbors don't see how you can fit 57 children inside the house. However, the State makes those determinations and we need to respect their expertise in this area.

9. The neighbors moved into this area knowing that they had a single family home here and suddenly it could turn into something entirely different.

10. Although Ms. Cooper's intention today is to run one shift at this point, what keeps her from changing that to run two or three shifts at a later date?

11. This would be a significant traffic increase.

12. This use has outgrown this site.

13. Some people in the neighborhood signed both petitions.

14. Arthur King: I'm sympathetic to the neighbors concerns and concerned about the availability of child care. There is real benefit in having child care facilities which are not disassociated from neighborhoods. Having an elementary school next door seems to be a positive reason to expand this facility.
15. The petitioner volunteered to limit the number of children to 30.

16. The petitioner noted that most the parents whose children she cares for do not have vehicles. They use public transportation or rely on Ms. Cooper for transportation for their children.

17. Clarence Lambe: This is exactly the sort of thing we try to encourage today, to incorporate day care into communities.

18. Wesley Curtis noted that there is a difference because in new developments the neighbors will know of that use before they purchase their property. Here the neighbors have been living next to a single family house for years and even decades.

19. Carol Eickmeyer: Mixed use is a good thing when it's planned. If this had been preplanned, we would not have it smack up against the house next to it. The next door neighbor does have some rights and to live next door to a day care center was probably not in their plan. Day care and child care are a community need and they need to be addressed. Someone who provides those services successfully needs to be applauded and encouraged, but not at the expense of the neighbors.

20. The site plan shows about 36 feet from the building to the property line.

21. The petitioner offered to add large trees.

22. Having twelve kids today and thirty kids tomorrow are two different levels of noise for the neighbors.

23. Arthur King encouraged the petitioner to talk with her neighbor and see what they can work out between them so her neighbor will be happier.

24. Jerry Clark encouraged the petitioner to consider the mix of ages of children since infants won't be out in the yard making noise which impacts the neighbors.

25. Jeff Vaughn, Inspections Division, answering a question by the Planning Board, noted that hours of outdoor activity are limited to 8 AM to 10 PM.

26. Ms. Cooper indicated that she arrives at the center around 8:30 AM and the kids go out to play about 10 AM.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions and the additional condition that the day care be limited to a maximum of 30 children at any time/shift.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell

AGAINST: Wesley Curtis, Carol Eickmeyer, Brenda Smith

EXCUSED: None
Written comments submitted by Planning Board members:

Carol Eickmeyer: Against because of the intensity of the use - too large for the site & closeness of the neighbor. We need well-run day care/child care but neighbors deserve protection from new uses that impact their life.

__________________________
A. Paul Norby, AICP
Director of Planning