DOCKET #: W2772

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

EXISTING ZONING:
RS9

PETITIONER:
Sonya K. Goins
for property owned by Same

SCALE: 1” represents 400’
STAFF: Roberts
GMA: 3
ACRE(S): 0.60
MAP(S): 648866
May 25, 2005

Sonya K. Goins
4303 Reidsville Road
Winston-Salem, NC  27101

RE:   ZONING MAP AMENDMENT W-2772

Dear Ms. Goins

   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, AICP
              Director of Planning

pc:   City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102
      John E. Beeson, 503 High Street, Winston-Salem, NC  27101
      Stella Smith, 4309 Reidsville Road, Winston-Salem, NC  27101
      Doris Hobson, P. O. Box 912, Walkertown, NC  27052
      David Hobson, 4303 Reidsville Road, Winston-Salem, NC  27101
**ACTION REQUEST FORM**

| DATE: | May 25, 2005 |
| TO: | The Honorable Mayor and City Council |
| FROM: | A. Paul Norby, AICP, Director of Planning |

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Sonya K. Goins

**SUMMARY OF INFORMATION:**

Zoning map amendment of Sonya K. Goins from RS-9 to RM-8-S (Child Day Care Center): property is located on the northwest side of US 158, north of Rickard Road (Zoning Docket W-2772).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL

**FOR:** CLARK, FOLAN, GLENN, KING, LAMBE, MULLICAN, NORWOOD

**AGAINST:** EICKMEYER, SMITH

**SITE PLAN ACTION:** CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Sonya K. Goins, Docket W-2772

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 changing from RS-9 to RM-8-S (Child
Day Care Center) the zoning classification of the following described property:

Tax Block 2378, Tax Lots 4, 5, 6, and 7

Section 2. This Ordinance is adopted after approval of the site plan entitled Sonya K.
Goins and identified as Attachment "A" of the Special Use District Permit issued by the City
Council the ______ day of __________________, 20___ to Sonya K. Goins.

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 Sonya K. Goins. 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 Sonya K. Goins, (Zoning Docket W-2772). 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 ISSUANCE OF GRADING PERMITS
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to the issuance of driveway permits.

• PRIOR TO ISSUANCE OF BUILDING PERMITS
  a. A negative access easement along Reidsville Road shall be recorded where no driveway connections are shown on the site plan.

• PRIOR TO ISSUANCE OF OCCUPANCY PERMITS
  a. All fire hydrants shall be installed in accordance with the City Fire Department.

• OTHER REQUIREMENTS
  a. One free standing ground sign shall be permitted on Reidsville Road. Said sign shall be limited to a monument type with a maximum height of five (5) feet.
ZONING STAFF REPORT

DOCKET #    W-2772
STAFF:     Gary Roberts

Petitioner(s):    Sonya Goins
Ownership:    Same

REQUEST

From:    RS-9 Single Family Residential District; 9,000 sf minimum lot size
To:    RM-8-S Multifamily Residential District (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: 0.60 acre

LOCATION:

Street: Northwest side of Reidsville Road, US 158, north of Rickard Drive.
Jurisdiction: City of Winston-Salem ETJ.
Ward: Closest to East Ward.

SITE PLAN

Proposed Use:    Child Day Care Center.
Square Footage:  1,485.
Building Height: One story.
Parking:    Required: 7 spaces; Proposed: 7 spaces.
Bufferyard Requirements: 15 foot Type II bufferyard adjacent to RS-9.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residential structure.
Adjacent Uses:
   North-    Single family homes, zoned RS-9.
   South-    Convenience store zoned LB-S.
   Southwest-    Day care center zoned RM-8-S.

GENERAL AREA

Character/Maintenance:    Well-maintained single family homes, along with a small commercial node including a convenience store, car wash and day care.
Development Pace:    Slow.
PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Moderate degree of grading to accommodate proposed improvements shown on site plan.
Topography: Gentle slope downward to the west along Old Belews Creek Road.
Vegetation/habitat: Heavy vegetation along the southwestern edge of the site.
Environmental Resources Beyond The Site: The proposed project does not pose any significant threat to environmental resources beyond the site.
Water Supply Watershed: The Watershed Map shows the subject property as being on the border of the Salem Lake WS-III Watershed. However, as per UDO Chapter C Section 3-2.3 (C), the petitioner’s engineer has sufficiently demonstrated to the Zoning Officer that the site is outside the boundary of the watershed.

TRANSPORTATION

Direct Access to Site: Reidsville Road
Street Classification: Reidsville Road – Major Thoroughfare
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Reidsville Road between Old Belews Creek Road (south) and Old Belews Creek Road (north) = 13,000/16,100
Trip Generation/Existing Zoning: RS-9
0.60 x 43,560/9,000 = 3 units x 9.57 (SFR Trip Rate) = 29 Trips per Day
Trip Generation/Proposed Zoning: RM-8-S
1,485/1,000 x 79.26 (Day Care Center Trip Rate) = 118 Trips per Day
Planned Road Improvements: R-2577; Reidsville Road from Business 40 to Guilford County; from 2 lane to 4 lane divided; 2005 –2014; regionally significant.
Traffic Impact Study recommended: No TIS is required.
Sidewalks: None
Transit: None
Bicycle Route: None

HISTORY

Relevant Zoning Cases:

1. W-2638; RS-9 to LB-S (Car Wash; Nursery, Lawn and Garden Supply Store; Child Day Care Center; and Convenience Store); approved September 2, 2003; northwest side of Reidsville Road and southeast side of Old Belews Creek Road; 2.16 acres; Planning Board recommended approval and staff recommended denial.

2. W-2599; RS-9 to RM-8-S (Child Day Care Center); approved March 3, 2003; east side of Old Belews Creek Road north of Silver Chalice Drive, adjacent to northwest portion of current site; 0.76 acre; Planning Board and staff recommended approval.
3. W2465; RS-9 to HB-S (Services, Business B); withdrawn at the April 12, 2001 Planning Board meeting; northwest side of Reidsville Road northwest of Grover Street; 6.19 acres; planning staff recommended denial.

4. W-1568; R-5 to B-3-S (Shopping Center); denied May 1, 1989; northwest side of the intersection of Old Belews Creek Road and US 158; 6.2 acres; Planning Board recommended denial and staff recommended approval.

5. W-1200; R-5 to R-2-S (Multifamily - TWO PHASE) withdrawn at the February 14, 1985 Planning Board meeting; northwest side of the intersection of Old Belews Creek Road and US 158; 89.09 acres; staff recommended approval.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy promotes a mix of uses in neighborhoods, especially where such development serves the local area and is of an appropriate scale and sensitive in design.
Area Plan/Development Guide: The subject property is not within the boundaries of an area plan or development guide.

ANALYSIS

The current request is to rezone 0.60 acre from RS-9 to RM-8-S (Child Day Care Center). The site is located on the northwest side of US 158, north of Rickard Drive. The surrounding development pattern is predominantly single family residential; however the site does adjoin a small commercial node to the south consisting of a convenience store and a car wash. Adjoining the southwest corner of the subject property is a former single family residence which has recently been converted for an adaptive reuse to a Day Care Center and is zoned RM-8-S.

The petitioner is currently operating a Small Home Day Care with eight children which is allowed as a use by right under the existing RS-9 zoning district. The petitioner proposes to use the same 1,485 square foot structure for the proposed Day Care Center facility which would accommodate up to 25 children.

In consideration of the growing residential base in the surrounding area, staff is of the opinion that this is a needed service in the community. The RM-8-S designation would provide a good transitional use between the LB-S zoned convenience store to the southwest and the single family homes further northeast along Reidsville Road.

However, US 158 is a major trucking route carrying over 13,000 vehicles per day. While the ultimate cross section for this roadway is a 4 lane facility with a divided median, currently Reidsville Road is only two lanes wide and the planned widening is several years off. With the proposed use, staff anticipates that parents would be dropping off their children.
during the am peak rush hour traffic and picking them up during the pm peak traffic. These peak
turning movements, particularly the left turns across traffic during the pm peak, are potentially
unsafe. Additionally, the close proximity of Rickard Drive and the adjacent convenience store
entrance further add to the unsafe environment. While NCDOT has indicated that it will not
grant an additional driveway cut to the subject property from Reidsville Road, should the
petitioner successfully provide a secondary point of access into the site from the rear yard, staff
would have a greater comfort level with the subject request.

While the requested adaptive reuse of the site could provide a reasonable land use and zoning
transition between the adjacent commercial and single family residential properties, the proposed
vehicular access exclusively from Reidsville Road for a facility that will increase its capacity
from 8 children to up to 25 children, would likely create an unsafe situation. Staff’s
recommendation is for denial until either rear access is provided or Reidsville Road is improved
to its planned four-lane divided configuration.

FINDINGS

1. Legacy promotes a mix of uses in neighborhoods, especially where such development
   serves the local area and is of an appropriate scale and sensitive in design.

2. The subject property is not within the boundaries of an area plan or development guide.

3. The request is to rezone 0.60 acre from RS-9 to RM-8-S in order to convert the existing
   single family home on the property to a Day Care Center facility.

4. While the request would establish a good transitional use between LB-S and RS-9 zoning
   and provide a needed service to the community, the proposed vehicular access
   exclusively from Reidsville Road in its current 2-lane configuration would likely create
   an unsafe situation.

STAFF RECOMMENDATION

Zoning: DENIAL.
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the
following conditions:

• PRIOR TO ISSUANCE OF GRADING PERMITS
  a. Driveway permit shall be issued by the North Carolina Department of
     Transportation. NCDOT reserves the right to require improvements prior to the
     issuance of driveway permits.

• PRIOR TO ISSUANCE OF BUILDING PERMITS
  a. A negative access easement along Reidsville Road shall be recorded where no
     driveway connections are shown on the site plan.
• PRIOR TO ISSUANCE OF OCCUPANCY PERMITS
  a. All fire hydrants shall be installed in accordance with the City Fire Department.

• OTHER REQUIREMENTS
  a. One free standing ground sign shall be permitted on Reidsville Road. Said sign shall be limited to a monument type with a maximum height of five (5) feet.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Stella Smith, 4309 Reidsville Road, Winston-Salem, NC  27101
• I'm on the right of the day care and at this time I have no objections to it. I have lived here and have not seen really bad traffic accidents or traffic problems. School buses go up and down that road everyday and stop in front of my house. There's no problem with trucks stopping. So I do feel that she should have this day care open.

Doris Hobson, P. O. Box 912, Walkertown, NC  27052
• I have been in and out of this day care several times and have never seen a problem with traffic.
• It is a very nice day care. I'm sure there would be a lot of people pleased to have this.
• It's a good location.
• The speed limit is 45. I go by there a lot and do not see a problem any time.

David Hobson, 4303 Reidsville Road, Winston-Salem, NC  27101
• I've been doing lawn service at this site for four years. I come in and out of there with a 20' trailer regularly. I don't have any traffic problems and never have had any. I would like to see her get this zoning passed so she can increase her business and help her.

John Beeson, 503 High Street, Winston-Salem, NC 27101
• I've been driving on this road for 46 years. The State's been widening it for 42 years. Maybe there's a connection there.
• The major thing that I see is certainly a concern over traffic, but I'd like to address a couple of other things. Ms. Goins submitted a petition of 134 individuals in support of this request.
• Ms. Goins has run a day care here.
• Within a mile of this day care, there's in excess of 450 existing homes. This board has approved 185 homes in a PRD to go in this area which is right behind the subject site and 75 new homes in another area near this site. We are over 700 homes within a one-mile radius. I don't think any of us have any doubt that there's a need.
• We are kind of hung between DOT and DOT. We have talked with the neighbors about joint driveways and other ways of accessing this. When we do that, NCDOT says they'll do away with our front access. We think that puts us through an intersection that none of us want to go through where Old Belews Creek and Reidsville Road come together.
• The traffic in this area is usually moving along at under 45 mph in the morning hours because there is so much traffic coming that way.
• In the afternoon hours we are probably building a little bit more speed on the outgoing.
• Several parents using this day care bring two-three children at a time, not just one. So it's hard to do a traffic count and hard to understand. None of us want to see an accident here. But I also don't want to see children hauled another 5-10 miles to other day cares and be exposed to traffic during that extra time they are in transition.
• It's not a straight one-for-one situation.
• My main thing is that I think she has run a good operation. I would like to see us support people in the community who do that and desire to grow and provide a service. It certainly is not that demanding of a situation.
• We tried to do a circulation which would make it easier to get on and off the highway. It can't be done.

Sonya Goins Hopson, 4303 Reidsville Road, Winston-Salem, NC 27101
• There is a huge need for our services. I had a sibling on my waiting list from the time the mother was three months pregnant. It took until the child was 14 months old to find a space for him.
• I do have siblings, so there aren't going to be as many vehicle trips as it sounds.

_______, live in Walkertown (name was inaudible on tape)
• I occasionally help with grounds maintenance at Sonya's day care. I watch traffic. When the traffic is heavy, you can't drive faster than 45 on that road. It'd have to be a lot of people joined together determined to drive faster than the speed limit.
• People have to have someplace to keep their kids. Some good place. Sonya's place is a good place.
• I don't feel the traffic is that serious an issue from any direction.

AGAINST: None

WORK SESSION

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

1. Jimmy Norwood: I live in this area and traffic is a concern. They do move faster than 45 mph on this road. I'm thinking it through to figure out if there's any type of compromise regarding access.

2. NCDOT made it clear that if we had any other access to our property, they would not allow the current access to remain open.
3. Dara Folan: I understand the traffic concerns, but I also see the need for this day care in this community. It's already there. I'm persuaded that the increase from 8 to 25 is not a huge difference. Weighing it all out, I think the community's need is greater than the concern about traffic.

4. The Planning Board asked that staff request NCDOT to look at the speed limit along this road and evaluate whether it needs to be lowered.

5. Carol Eickmeyer: Ms. Hobson, I am going to be voting against this because I think it is a very serious safety issue. I absolutely approve of the fact that you have a five-star day care center and that those are really important because they are few and far between. I know there's a need there. But this is in the process of setting up a situation which is I think really unsafe and I hope that you actually be able to find some investors or somebody that will help you grow your center to take advantage of the 185 new homes on one side of the street and the 75 up the road. Clearly you are good at what you do. This is not a safe situation and if something terrible happens here, it would jeopardize your future.

6. Jerry Clark: We looked at one on Griffith Road a few years ago. There were a lot of heavy trucks which concerned us. There was a sight distance problem. Really I'm a little concerned about this, but at the same time I'm leaning toward voting for it. It's only because the service is needed and she is obviously doing a great job out there. There are other things here where people are turning in and out.

MOTION: Dara Folan moved approval of the zoning map amendment with the additional recommendation that NCDOT evaluate the speed limit along that road.
SECONDE: Paul Mullican
VOTE:
FOR: Clark, Folan, Glenn, King, Lambe, Mullican, Norwood
AGAINST: Eickmeyer, Smith
EXCUSED: None

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.
SECONDE: Paul Mullican
VOTE:
FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

Carol Eickmeyer: This home is a bad location for growth in a day care center. This just adds to the congestion and makes this an even more dangerous stretch of road. This will be a more difficult place to get in and out as the building gets done. It would be heartbreaking to encourage this growth only to have it cause a serious accident.
Clarence Lambe: I appreciate staff's concern about safety but was persuaded by the neighbors that the traffic situation was reasonable. Also that the road is flat and there is good visibility. I also understand that the number of cars coming in will not be as great because of siblings using the facilities. I also think the community should look into slowing down the traffic by changing the speed limit would increase safety.

A. Paul Norby, AICP
Director of Planning