DOCKET #: W2599
(continued from 1/9/03 CCPB Hearing)

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

EXISTING ZONING:
RS9

PETITIONER:
Kids World Learning Center
for property owned by
Michael C. Parker and
Lisa M. Parker

SCALE: 1" represents 200'
STAFF: Gallaway
GMA: 3
ACRE(S): 0.76
MAP(S): 648866
February 19, 2003

Michael C. Parker and Lisa M. Parker
4639 Reidsville Road
Winston-Salem, NC  27101

RE:  ZONING MAP AMENDMENT W-2599

Dear Mr. and Mrs. Parker:

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 Members 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
## ACTION REQUEST FORM

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<th>DATE:</th>
<th>February 19, 2003</th>
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<td>TO:</td>
<td>The Honorable Mayor and Council Members</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Kid's World Learning Center for property owned by Michael C. Parker and Lisa M. Parker

### SUMMARY OF INFORMATION:

Zoning map amendment of Kid's World Learning Center for property owned by Michael C. Parker and Lisa M. Parker from RS-9 to RM-8-S (Child Day Care Center): property is located on the east side of Old Belews Creek Road north of Silver Chalice Drive (Zoning Docket W-2599).

### PLANNING BOARD ACTION:

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<th>MOTION ON PETITION:</th>
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<td>FOR:</td>
<td>UNANIMOUS</td>
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<tr>
<td>AGAINST:</td>
<td>NONE</td>
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<td>SITE PLAN ACTION:</td>
<td>CONFORMS</td>
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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 RS-9 to RM-8-S (Child Day Care Center) the zoning classification of the following described property:

BEGINNING at a point, the northeast corner of Tax Lot 57, Block 2378, also being the southwest corner of Tax Lot 58, Block 2378, located in the east right-of-way of Old Belews Creek Road, State Road Number 2396; thence with the south line of said lot 58, south 65° 59' 12" east 192.69 feet to a point, the southeast corner of said lot 58; thence with the east line of tax lots 57 and 56, south 36° 04' 49" west 60.18 feet to an iron; thence with the east line of tax lots 55, 54, 53, and 52, south 21° 15' 00" west 120.00 feet to a point, the southeast corner of tax lot 52; thence a new line subdividing said lot 52, north 64° 31' 41" west 193.16 feet to a point located in the east right-of-way of Old Belews Creek Road; thence with said right-of-way and the west line of tax lot 52, north 26° 23' 17" east 23.94 feet to a point, the northwest corner of said lot 52; thence continuing with the west line of lots 53 through 57, also being the east right-of-way of said Old Belews Creek Road, north 26° 23' 17" east, 150.00 feet to point, the point and place of BEGINNING; being tax lots 53, 54, 55, 56, and 57 and the northern portion of tax lot 52, a total of 0.76 acre, more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Kid's World Learning Center for property owned by Michael C. Parker and Lisa M. Parker and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _______ day of __________________, to Kid's World Learning Center for property owned by Michael C. Parker and Lisa M. Parker.
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 *Kid's World Learning Center* for property owned by Michael C. Parker and Lisa M. Parker. 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 Kid's World Learning Center for property owned by Michael C. Parker and Lisa M. Parker, (Zoning Docket W-2599). 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 ANY PERMITS**
  a. A variance must be obtained from the City Zoning Board of Adjustment for the rear yard setback of the existing garage.

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  a. Site must be verified as being outside the Salem Lake Watershed.

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

DOCKET #  W-2599
STAFF:  Suzy Gallaway

Petitioner(s):  Kid’s World Learning Center
Ownership:  Michael C. Parker and Lisa M. Parker

CONTINUANCE HISTORY

This case was continued from the January 9, 2003 Planning Board meeting at the request of the petitioner in order to make site plan changes.

REQUEST

From:  RS-9 (Residential Single Family)
To:  RM-8-S (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:  0.76 acre

LOCATION

Street:  East side of Old Belews Creek Road north of Silver Chalice Drive.
Jurisdiction:  Forsyth County (Winston-Salem Zoning Jurisdiction).
Ward:  Closest to East Ward.

SITE PLAN

Proposed Use:  Child Day Care Center.
Square Footage:  1,633 square feet.
Building Height:  Single Story.
Parking:  Required: 7 spaces; proposed: 10 spaces.
Bufferyard Requirements:  15 foot type II adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements:  UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  Single family home (vacant).
Adjacent Uses:
   North -  Single family homes, zoned RS-9.
   East -  Convenience store (non-conforming) zoned, RS-9.
   South -  Single family homes, zoned RS-9.
   West -  Vacant property, zoned RS-9.
**GENERAL AREA**

Character/Maintenance: Well-maintained single family homes and non-conforming convenience store.
Development Pace: Slow.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Limited paving for parking, site is currently developed as a single family home.
Topography: There is an approximate change in elevation on the subject property of 8' (from an approximate elevation of 942' in the north down to an approximate elevation of 934' in the southwest).
Vegetation/habitat: Limited - some trees around the existing developed areas of the site.
Watershed: Salem Lake (WS-III) (Water Supply Watershed)
Compliance with Watershed Protection Regulations: Since the subject property is located in the “balance of the watershed” portion of the Salem Lake watershed, 24% of the site can be developed with impervious surfaces. The petitioner has indicated it can be demonstrated that the site does not drain towards Salem Lake. The Zoning Officer has the authority to interpret the Watershed Map as to the exact location of the watershed boundary.

**TRANSPORTATION**

Direct Access to Site: Old Belews Creek Road; Reidsville Road (US 158).
Street Classification: Old Belews Creek Road - Minor Thoroughfare; Reidsville Road - Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
- Old Belews Creek Road between Reidsville Road and Beeson Dairy Road = 4,600/16,100
- Reidsville Road between Old Belews Creek Road and Old Belews Creek Road = 13,000/16,100

Trip Generation/Existing Zoning: RS-9 [1.64 x 43,560/9,000 = 7 units x 9.57 (SFR Trip Rate) = 66 Trips per Day]
Trip Generation/Proposed Zoning: RM-8-S [1,633/1,000 x 79.26 (Day Care Center Trip Rate) = 129 Trips per Day]

**HISTORY**

Relevant Zoning Cases:

1. W-1882; R-5 to B-3-S (Shopping Center); withdrawn May 2, 1994; west side of Old Belews Creek Road at its intersection with US 158 and opposite Gaither Road; 6.2 acres; Planning Board recommended denial, staff recommended approval.
2. 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.

3. 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.

4. W-1031; R-5 to B-3-S (Service Station and Stores or Shops, Retail); approved July 5, 1983; southeast side of US 158 northeast of Gaither Road; 0.93 acre; Planning Board and 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 that development services the local area. Non-residential uses should be developed at a scale and intensity that is appropriate to the surrounding residential development.


Relevant Development Guide Recommendation(s): The "Land Use Plan" (on page 49) in the *Salem Lake Watershed Area Plan* recommends that the subject property be developed for rural residential uses (0-1 unit/acre, agriculture, or open space).

**ANALYSIS**

The zoning request was continued to make site plan changes. The petitioner has indicated it can be demonstrated that the site does not drain towards Salem Lake. The site plan was changed to reduce the amount of property included in the request since less land is required if the site is determined by the Zoning Officer to be outside the watershed boundary.

The current request is to rezone 1.64 acres from RS-9 to RM-8-S (Child Day Care Center). RS-9 zoning would allow a Small Home Day Care by right or a Large Home Day Care with a Special Use Permit from the Zoning Board of Adjustment, but does not allow a Day Care Center. The petitioner proposes to use the vacant single family home on the property as a Day Care Center facility.

The petitioner recently operated a Day Care Center at a nearby Church, but wishes to relocate the facility. Staff is of the opinion that this is a needed service in the community. There is a non-conforming Convenience Store located to the rear of the property. As the site is adjacent to both an intense use as well as residential uses, staff believes that a daycare center would be a good, transitional reuse of the existing property. There would be an increase to the level of traffic on Old Belews Creek Road, however the road is not near capacity and therefore should cause no significant traffic problems.
Legacy promotes a mix of uses in neighborhoods, especially where varied uses serve the local area. Non-residential uses should be developed at a scale and intensity that is appropriate to the surrounding residential development. This use provides a needed service to the local area and is appropriate in scale with the reuse of the existing residential structure.

Staff is of the opinion this use is a needed service to the community and will be consistent with the character and intensity of the area. For these reasons, staff recommends approval.

FINDINGS

1. The current request is to rezone 0.76 acre from RS-9 to RM-8-S (Child Day Care Center).
2. The petitioner proposes to use the existing single family home on the property as a Day Care Center facility.
3. Legacy promotes a mix of uses in neighborhoods, especially where that development serves the local area.
4. This is a needed service to the community and is consistent with the character and intensity of the area.
5. This is a good adaptive reuse of the property.

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 ANY PERMITS
  a. A variance must be obtained from the Zoning Board of Adjustment for the rear yard setback of the existing garage.

- PRIOR TO ISSUANCE OF GRADING PERMITS
  a. Site must be verified as being outside the Salem Lake Watershed.

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

PUBLIC HEARING

FOR: None

AGAINST: None
WORK SESSION

MOTION: Arnold King moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jimmy Clark
VOTE:
    FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell
    AGAINST: None
    EXCUSED: None

_________________________________
A. Paul Norby, AICP
Director of Planning