



**DOCKET #:** W2606

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

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Charles G. Cooper, Sr., and  
Carolyn M. Cooper

**SCALE:** 1" represents 200'

**STAFF:** Gallaway

**GMA:** 2

**ACRE(S):** .53

**MAP(S):** 648862



February 19, 2003

Carolyn M. Cooper and Charles G. Cooper, Sr.  
1480 Harvest Drive  
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2606

Dear Ms. Cooper and Mr. 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 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  
Lucious B. Oliver, 4403 Winnabow Road, Winston-Salem, NC 27105  
Hilton Stone, Jr., 1490 Harvest Drive, Winston-Salem, NC 27101  
Ola Vineyard, 4416 Edrem Avenue, Winston-Salem, NC 27101  
Lamonica Stone, 115 Raymond Street, Winston-Salem, NC  
Lillie Stone, 1490 Harvest Drive, Winston-Salem, NC 27101

**ACTION REQUEST FORM**

**DATE:** February 19, 2003  
**TO:** The Honorable Mayor and Council Members  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Carolyn M. Cooper and Charles G. Cooper, Sr.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Carolyn M. Cooper and Charles G. Cooper, Sr. from RS-9 to RM-8-S (Child Day Care Center): property is located on the west side of Harvest Drive northwest of Old Greensboro Road (Zoning Docket W-2606).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** AVANT, CLARK, DOYLE, KING, NORWOOD, POWELL  
**AGAINST:** BOST  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Carolyn M. Cooper and Charles G. Cooper, Sr., Docket W-2606

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

Tax Block 3285, Tax Lot 2

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

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 Carolyn M. Cooper and Charles G. Cooper, Sr. 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 Carolyn M. Cooper and Charles G. Cooper, Sr., (Zoning Docket W-2606). 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. Driveway permit shall be issued by the North Carolina Department of Transportation who will inspect and approve this street. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
  
- **OTHER REQUIREMENTS**
  - a. One free standing ground sign shall be permitted on Harvest Drive. Said sign shall be limited to a monument type with a maximum height of five (5) feet.

## ZONING STAFF REPORT

**DOCKET #** W-2606  
**STAFF:** Suzy Gallaway

Petitioner(s): Carolyn M. Cooper and Charles G. Cooper, Sr.  
Ownership: Same

### **REQUEST**

From: RS-9 (Residential Building, 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: 0.55 acre

### **LOCATION:**

Street: West side of Harvest Drive northwest of Old Greensboro Road.  
Jurisdiction: Forsyth County (Winston-Salem Zoning Jurisdiction).  
Ward: Closest is East Ward.

### **SITE PLAN**

Proposed Use: Child Day Care Center.  
Square Footage: 1,552 square feet.  
Building Height: Single Story.  
Parking: Required: 10 spaces; proposed: 10 spaces.  
Bufferyard Requirements: 15 foot type II bufferyard adjoining RS-9 zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Single family residence.

Adjacent Uses:

- North - Single Family Residence, zoned RS-9.
- East - Human Service Alliance, zoned GO-S.
- Southeast - Non-conforming Convenience Store/Auto Repair, zoned RS-9.
- Southwest - Petree Elementary School, zoned IP.

## **GENERAL AREA**

Character/Maintenance: Mixture of uses in the area.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is developed with single family residence.

Topography: There is an approximate change in elevation on the subject property of 10' (from an approximate elevation of 922' in the southeast down to an approximate elevation of 912' in the northwest).

Water Supply Watershed: Site is not within the boundaries of a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: Harvest Drive; Old Greensboro Road.

Street Classification: Harvest Drive – Collector Road; Old Greensboro Road – Minor Thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Old Greensboro Road between Waterworks Road and Reidsville Road = 4,100/16,100

Trip Generation/Existing Zoning: RS-9

$1.43 \times 43,560 / 9,000 = 6 \text{ lots} \times 9.57 \text{ (SFR Trip Rate)} = 57 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RM-8-S

$52 \times 4.52 \text{ (Day Care Trip Rate)} = 235 \text{ Trips per Day}$

Transit: Route 25 along Old Greensboro Road.

Bicycle Route: Route 15, Kernersville Connector, along Old Greensboro Road.

## **HISTORY**

Relevant Zoning Cases:

1. W-2107; GO-S to Site Plan Amendment; approved December 2, 1996; northwest corner of Old Greensboro Road and Reidsville Road; Planning Board and staff recommended approval.
2. W-1778; R-1-S (Multiple Uses) to R-1-S (Multiple Uses); approved August 3, 1992; northeast corner of Old Greensboro Road; Planning Board and staff recommended approval.
3. W-1621; R-5 to R-1-S (Multiple Service Uses, including Day Care); approved November 20, 1989; northeast corner of Old Greensboro Road; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Legacy*): GMA 2, Urban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): In Urban Neighborhoods, *Legacy* encourages quality infill development, greater residential densities, neighborhood retail, and community services. *Legacy* encourages convenient commercial services to support neighborhood needs and recommends the development of policy guidelines for the location of childcare facilities.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

## **ANALYSIS**

The current request is to rezone a single family home on 0.55 acre from RS-9 to RM-8-S (Child Day Care Center). The site currently is the location of a Large Home Daycare. A Large Home Daycare requires a Special Use Permit from the Zoning Board of Adjustment and allows no more than 12 children. The petitioners would like to provide care for up to 52 children, more than allowed under the Large Home Daycare requirements, therefore they are seeking rezoning for a Day Care Center.

The site is at a transitional location. It is at the entrance to a residential neighborhood and is also adjacent to Petree Elementary School and diagonal to a non-conforming Convenience Store/Auto Repair facility. The property also is across Harvest Drive from the Human Service Alliance facility. To address staff's concerns for the residential home to the north, the petitioners have agreed to enhance the required buffer. Although the proposed use change would cause an increase of traffic on Harvest Drive, the increase would be limited to the area directly in front of the proposed site, and would not increase traffic in the rest of the neighborhood.

The request is consistent with the recommendations of *Legacy*, as staff is of the opinion it does provide a needed service to the community. This request is consistent with the character of the area and is an appropriate adaptive reuse of the single family home on the site.

## **FINDINGS**

1. The current request is to rezone a single family home on 0.55 acre from RS-9 to RM-8-S (Child Day Care Center).
2. The site currently is the location of a Large Home Daycare.
3. The petitioners would like to provide care for up to 52 children, more than allowed under the Large Home Daycare requirements.
4. This request is consistent with the character of the area.
5. This is an appropriate adaptive reuse of the single family home on the site.

## **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. Driveway permit shall be issued by the North Carolina Department of Transportation who will inspect and approve this street. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
- **OTHER REQUIREMENTS**
  - a. One free standing ground sign shall be permitted on Harvest Drive. Said sign shall be limited to a monument type with a maximum height of five (5) feet.

Suzy Gallaway presented the staff report.

### **PUBLIC HEARING**

FOR:

Lucious B. Oliver, 4403 Winnabow Road, Winston-Salem, NC 27105

I'm working with the owner and petitioner.

The owner has a waiting list of over 50 children.

This is the first property on Harvest Drive. It blends well into the surrounding environment.

This will prove to be a good transition into the residential area behind it.

The door is already open to business because the zoning is there.

We're actually asking for less density than what is existing.

There actually is no more land in this immediate area that is vacant, other than the Human Service Alliance.

The owner has been here for seven years, as has the day care, so it isn't a new business or development.

We aren't trying for the maximum number of children. We cut it off at 52.

AGAINST:

Hilton Stone, Jr., 1490 Harvest Drive, Winston-Salem, 27101

I live right next to the place that's going to be rezoned. I've lived there since 1977.

We haven't met with the petitioners.

Bringing in 52 children is going to bring in far more traffic than we need.

Harvest Drive is a dead-end street.

Ola Vineyard, 4416 Edrem Avenue, 27101

My back yard runs along with theirs. I've lived here since 1963. I have no problem with the day care that is there now, but adding this many more children is too many. Everyone out there is against it.

Lamonica Stone, 115 Raymond Street,

I'm speaking for my mother. This is a very quiet area. There's not much traffic here. A day care center of this size will increase the traffic.

Cars tend to speed a little more. It's a dirt street.

Most of the people who will be drawn to this day care will be from the low-income area less than half a mile away.

There's an electric fence that protects fighting chickens, too.

Lillie Stone, 1490 Harvest Drive, Winston-Salem, NC 27101

There's a lot of noise already from the children she has now. The children bring things up to the fence so they can stand on them and mess with the dogs. With the children being unattended, that is dangerous.

### **WORK SESSION**

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

1. Philip Doyle: I understand the current neighbor's concerns. However, the use is already there and it compliments the location of the existing elementary school. The buffer needs to be enforced, but it will provide more protection for the neighbors.
2. John Bost: I am opposed to this rezoning due to the possible need for stacking room for cars on Harvest Drive. There is minimal parking. With an elementary school nearby, all the parents could arrive at the same time prior to school. The site needed more clarity of design.

MOTION: Philip Doyle moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Clark, Doyle, King, Norwood, Powell

AGAINST: Bost

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning