



**DOCKET #:** W2439  
 Continuance History:  
 Remanded to CCPB by  
 BOA 2/5/01

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

**EXISTING ZONING:**  
 RM8-S (Child Day  
 Care Center and  
 Residential Building,  
 Single Family)

**PETITIONER:**  
 Melvin L. and  
 Victoria M. Frazier

**SCALE:** 1" represents 200'

**STAFF:** Reed

**GMA:** 3

**ACRE(S):** 2.29

**MAP(S):** 636874



## **DRAFT ZONING STAFF REPORT**

**DOCKET #** W-2439  
**STAFF:** David Reed

Petitioner(s): Melvin L. Frazier and Victoria M. Frazier  
Ownership: Same

### **CONTINUANCE HISTORY**

The petition was remanded to the Planning Board from the February 5, 2001, Board of Aldermen's meeting to review changes to the site plan and consider the reduction of proposed uses and land area.

### **REQUEST**

**From:** RM-8-S Residential Multifamily District; maximum density 8 units/acre (Child Day Care Center; and Residential Building, Single Family) and RS-9 Residential Single Family District; minimum lot size 9,000 sf  
**To:** RM-8-S Residential Multifamily District; maximum density 8 units/acre (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: 2.18 acres

### **LOCATION**

Street: East side of Old Rural Hall Road south side of Opportunity Road.  
Jurisdiction: City of Winston-Salem.  
Ward: Northeast.

### **SITE PLAN**

Proposed Use: Child Day Care Center.  
Square Footage: 4,891 square feet.  
Building Height: Single story.  
Parking: Required: 9 spaces; proposed: 9 spaces.  
Bufferyard Requirements: A type II bufferyard is required adjacent to RS-9 zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

## **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: One primary structure, currently housing the day care and a couple of small structures.

Adjacent Uses:

- North - Across Opportunity Road are single family homes zoned RS-9.
- East - Single family homes zoned RS-9.
- South - Single family homes zoned RS-9.
- West - Single family homes zoned RS-9 and a day care center zoned RM-8-S.

## **GENERAL AREA**

Character/Maintenance: Moderately to well-maintained area.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minor.

Topography: Site slopes down to the east.

Vegetation/habitat: Site has some mature trees.

## **TRANSPORTATION**

Direct Access to Site: Old Rural Hall Road.

Street Classification: Major thoroughfare.

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

Old Rural Hall Road from Old Walkertown Road to Baux Mountain Road - 9,800/16,000

Trip Generation/Existing Zoning:

$4,891/1000 = 4.891 \times 79.26$  (day care trip rate) = 388 trips

Trip Generation/Proposed Zoning: No change

Sight Distance: Good.

Sidewalks: A sidewalk is proposed along the entire frontage of Old Rural Hall Road.

Transit: WSTA Route 10A along Old Rural Hall Road.

Bike: WS Route 19 along Old Rural Hall Road and Baux Mountain Road.

## **HISTORY**

Relevant Zoning Cases:

1. W-2209; RS-9 to RM-8-S (Child Day Care Center; and Residential Building, Single Family); approved March 2, 1998; southeast corner of Old Rural Hall Road and Opportunity Road including current site; 2.29 acres; Planning Board and staff recommended approval.

2. W-2166; RM-8-S (Child Day Care Center; and Residential Building, Single Family) to RM-8-S (Child Day Care Center; Child Day Care, Large Home; and Residential Building, Single Family); approved August 18, 1997; southwest corner of Old Rural Hall Road and Ada Avenue; 0.98 acre; Planning Board and staff recommended approval.
3. W-1999; RS-9 to RM-8-S (Child Day Care Center); denied November 6, 1995; southeast corner of Old Rural Hall Road and Opportunity Road including current site; 4.13 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban. The Community Facilities chapter in *Vision 2005* addresses public schools but not day care facilities in particular.

Relevant Comprehensive Plan Recommendation(s): One of the recommendations in the Community Facilities chapter is that the role of the private sector in providing community facilities should continue to be fostered.

Area Plan/Development Guide: *Carver Road/Ogburn Station Development Guide* (1991).

Relevant Development Guide Recommendation(s): This rezoning request exists in the Ogburn Subarea of the *Carver Road/Ogburn Station Development Guide*. Zoning guidelines recommend no expansion of commercial areas on Old Rural Hall Road except for very limited extensions of existing commercially zoned sites. Buffering to adjacent residential areas should be provided and sites should orient to and have access from Old Rural Hall Road. If Old Rural Hall has not been widened, the plan recommends some short and long range road improvements in the Old Rural Hall/Baux Mountain Roads area.

### **ANALYSIS**

The subject petition was originally submitted for the purpose of developing a 208-seat neighborhood scale church next to an existing Child Day Care Center. Because the church and the day care center would have shared a driveway and a portion of the proposed church lay within the existing RM-8-S zoning lot for the day care center, staff recommended the entire site be resubmitted to create one comprehensively zoned lot. There were no changes being proposed for the day care center. The neighborhood church is a use permitted by right in the RS-9 zoning district and the reason for the rezoning was primarily to allow the two uses to share driveways and parking.

During the rezoning process the petitioner met with some neighbors who were concerned about the potential impacts of the proposed church and, as a result, the requested church was withdrawn from the petition and the site plan was resubmitted without the church. Also, two tax lots which had been proposed for RM-8-S zoning were withdrawn from the petition.

The zoning lot now under consideration is the existing day care center property. The day care center was approved in 1998 (zoning docket W-2209) for a maximum of 35 children and that number is proposed to remain the same. The only change being proposed is the addition of a

driveway which would extend to the eastern property line and would abut property owned by the petitioners. Staff met with City Department of Transportation staff to discuss the potential safety issues of additional traffic through the day care center parking lot. The potential traffic generated by the development of the adjoining property would not be enough to be considered a traffic hazard for the day care center. If there were no connection, anyone going from one property to the other would be required to use Old Rural Hall Road.

## **FINDINGS**

1. The subject petition was originally submitted for the purpose of developing a 208-seat neighborhood scale church next to an existing Child Day Care Center.
2. After meeting with neighbors, the petition was amended to eliminate the church as a permitted use and reduce the amount of land from 3.02 to 2.18 acres.
3. The zoning lot now under consideration is the existing day care center property. The only change being proposed is the addition of a driveway which would extend to the eastern property line and would abut property owned by the petitioners.
4. The potential traffic generated by the development of the adjoining property would not be enough to be considered a traffic hazard for the day care center.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

- **WITHIN 90 DAYS OF APPROVAL BY THE BOARD OF ALDERMEN**
  - a. Developer shall dedicate new public right-of-way in fee simple to the City of Winston-Salem along the entire frontage of the property on Old Rural Hall Road in accordance with the requirements of the Public Works Department of the City of Winston-Salem.
  - b. Developer shall widen the entire frontage on Old Rural Hall Road with curb and gutter and sidewalks in accordance with the requirements of the Public Works Department of the City of Winston-Salem.
  - c. Developer shall install an "Enter Only" sign on the northernmost driveway.
  - d. A fifteen (15) foot type II bufferyard shall be installed where this property adjoins RS-9 zoning as shown on the site plan in accordance with UDO Section 3-5.
  - e. Sign permits are required from the Inspections Division prior to installing any signs on the property. Two signs shall be permitted and shall be limited to monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.
  - f. Any portion of an existing stone wall which lies within the public right-of-way of Opportunity Road shall be removed.

[For information purposes only: The draft *Legacy Comprehensive Plan* describes child care as the first step in a quality educational system. The plan calls for child care facilities that are located and designed to be convenient for parents, safe for children, and compatible with their neighbors. One of the action agenda items in the plan is for the City-County Planning Board to develop policy guidelines for the location for child care facilities.]

**PUBLIC HEARING** - January 11, 2001

David Reed presented the staff report.

FOR:

Rev. Melvin Frazier, 421 Chesham Drive, Kernersville, NC 27284

I'm here solely to represent the concerns of the church. As you know, we are planning the construction of a new church and fellowship hall on this site. Our current facility is over 70 years old and is totally inadequate to meet the needs of our congregation.

Providing adequate parking was infeasible at the current site.

We want to provide facilities for the physically challenged or those who are elderly and have difficulty moving.

We needed space for an enrichment program we plan to implement for our children.

The land that the church is being built on would be deeded to the church solely.

We have looked for a suitable site to built facilities that will house our congregation now and in the future.

We want to provide music lessons for children.

We will be glad to provide any fencing and screening and want to work with the neighbors to make a smooth transition. We believe in getting along with the neighbors.

LandMark Construction Co. representatives are here if you have questions.

We plan to beautify this property.

We did make efforts to find other land for our church.

Victoria Frazier, 421 Chesham Drive, Kernersville, NC 27284

The majority of our members live in this immediate area.

We wanted to construct the facility so the elderly don't have to drive far and to keep it in the community where it's currently located.

We want to enhance the community we are in.

That's why we donated the site.

Ken Thompson, 3520 Triad Court, Winston-Salem, NC 27107

I work with Landmark Construction Co. and am here for questions.

## AGAINST:

Mamie F. Blakely, 4613 Old Rural Hall Road, Winston-Salem, NC 27105

I'm not opposed to churches, but I am opposed to this particular church because I live immediately next to this site (immediately to the south).

Rev. Frazier failed to tell us where the parking lots would be, but from looking at the blueprint, part of the parking will be immediately in front of my house.

No one will want to buy this property with parking in front of the house.

Churches are not just used on Sundays and Wednesdays.

We already have problems with traffic.

I realize that Mr. Frazier owns this land and wants to do something with it. But I live there and own my land and want to maintain it. When all is said and done, he goes back to Kernersville. I stay there and deal with the problems.

When Mr. Frazier purchased the property, he knew it was residential.

He will come back with a day care in the church.

Tex Tuttle, 1227 Opportunity Road, Winston-Salem, NC 27105

I'm not opposed to church, either. But we have serious traffic problems and have already had two deaths this year from traffic congestion.

We have too much traffic out there now. Putting a church out there with 208 people is going to put more traffic.

He didn't abide by the rules of the last zoning he got. He was supposed to put a turn lane there. Inspections let him operate without making him put the road in.

## WORK SESSION

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

1. Steve Johnson: The day care needs nine parking spaces; parking for church is 52. Is that mutually exclusive or can that be combined? The total spaces I can count is 51 so we're one spot down anyway. If the day care parking spaces need to be on separate land, we've got a problem.
2. Both of the driveway cuts are existing.
3. Kerry Avant: Why do they need a rezoning to put a church on this property?  
David Reed: The front portion of the site is zoned special use and doesn't allow a church. Churches can have day cares run by the church in the church operated by the church.
4. Kem Schroeder: Can we put a use condition on the building that would limit the church regarding a day care?

5. Norman Williams: If the existing property is zoned RS-9, couldn't he use that for a church? Access would be through RM-8-S and they need to use land in both zoning districts.
6. John Bost: What was the driving factor in him rezoning the front portion to RM-8-S?
7. Ronnie Grubbs: If they wished to have a day care, they would probably have to redo the site plan to reflect the day care use.
8. The petitioner will agree to a condition limiting day care use.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Kem Schroeder.

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: John Bost certified that the site plan meets all code requirements and recommended staff conditions with the condition that no more than 35 children be allowed in the day care, that day care not be allowed at all in the new building and that the site plan be approved only when parking requirements are met.

SECOND: Kem Schroeder

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None