DOCKET #: W2439

PROPOSED ZONING:
RM8-S (Child Day Care Center and Church, Neighborhood)

EXISTING ZONING:
RM8-S and RS9

PETITIONER:
Melvin L. and Victoria M. Frazier

SCALE: 1" represents 200’

STAFF: Reed

GMA: 3

ACRE(S): 3.02

MAP(S): 636874
December 20, 2000

Melvin L. and Victoria M. Frazier
421 Chesham Drive
Kernersville, NC  27284

RE:   ZONING MAP AMENDMENT W-2439

Dear Mr. & Ms. Frazier:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Ken Thompson, 3520 Triad Court, Winston-Salem, NC  27107
Mamie F. Blakely, 4613 Old Rural Hall Road, Winston-Salem, NC  27105
Tex Tuttle, 1227 Opportunity Road, Winston-Salem, NC  27105
Roger Hughes, 4689 Tobacco Road, Winston-Salem, NC  27106
## ACTION REQUEST FORM

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<td>The Honorable Mayor and Board of Aldermen</td>
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<td>FROM:</td>
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### BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Melvin L. and Victoria M. Frazier

### SUMMARY OF INFORMATION:

Zoning map amendment of Melvin L. and Victoria M. Frazier from RM-8-S (Child Day Care Center; and Residential Building, Single Family) and RS-9 to RM-8-S (Child Day Care Center; and Church, Neighborhood): property is located on the southeast corner of Old Rural Hall Road and Opportunity Road (Zoning Docket W-2439).

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** APPROVED WITH ADDITIONAL CONDITIONS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Melvin L. and Victoria M. Frazier, Docket W-2439

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 Board of Aldermen 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 RM-8-S (Child Day Care Center; and Residential Building, Single Family) and RS-9 to RM-8-S (Child Day Care Center; and Church, Neighborhood) the zoning classification of the following described property:

   Tax Lot 201, Tax Block 2328; Tax Lot 10, Tax Block 925; and Tax Lot 43, Tax Block 3022

Section 2. This Ordinance is adopted after approval of the site plan entitled Community Baptist Church and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the ______ day of __________________, to Melvin L. and Victoria M. Frazier.

Section 3. The Board of Aldermen 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 Community Baptist Church. 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 Board of Aldermen 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 Melvin L. and Victoria M. Frazier, (Zoning Docket W-2439). 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; and Church, Neighborhood), approved by the Winston-Salem Board of Aldermen 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 BUILDING PERMITS**
  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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. 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.
  b. Developer shall install an “Enter Only” sign on the northernmost driveway prior to the issuance of occupancy permits.
  c. A twenty (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.
d. 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.

5. Any portion of an existing stone wall which lies within the public right-of-way of Opportunity Road shall be removed.

6. If a slope greater than 3 to 1 is established, plantings must be installed in accordance with UDO Section 3-5.

- **OTHER REQUIREMENTS**
  a. The number of children enrolled in the Day Care Center shall not exceed 35.
  b. No day care facility shall be permitted in the new building.
ZONING STAFF REPORT

DOCKET # W-2439
STAFF: David Reed

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

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; and Church, Neighborhood)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 1.09 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; and Church, Neighborhood.
Square Footage: Day Care Center: 4,891 square feet; Church: 5,000 square feet.
Building Height: Single story.
Parking: Required: 52; Proposed: 52.
Bufferyard Requirements: A type II bufferyard is required adjacent to residential 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.
   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: Substantial grading is proposed for the church building pad.
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: RS-9 and RM-8-S
32,578.65/9,000 = 3 x 9.57 (SFU trip rate) = 28.71 trips +
4,891/1000 = 4.891 x 79.26 (day care trip rate) = 388 trips
(Total trips RS-9 & RM-8 = 416)
Trip Generation/Proposed Zoning: LB-S
4,891/1,000 = 4.891 x 79.26 (day care trip rate) = 388 trips +
5,000/1,000 = 5 x 36.63 (church trip rate) = 183 (Total trips LB-S = 571)
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


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.


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 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 will share a driveway and a portion of the proposed church lies 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 are 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 is primarily to allow the two uses to share driveways and parking.

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 two existing access points approved for the day care center are proposed to remain as the only access points to the site and will be shared by the church.

Because neighborhood scale churches are permitted in the adjacent RS-9 zoning district and because the comprehensive design will create no additional curb cuts on Old Rural Hall Road, staff is supportive of the rezoning.

FINDINGS

1. The subject petition was submitted for the purpose of developing a 208-seat neighborhood scale church next to an existing Child Day Care Center.
2. The neighborhood church is a use permitted by right in the RS-9 zoning district and the reason for the rezoning is primarily to allow the two uses to share driveways and parking.

3. Because neighborhood scale churches are permitted in the adjacent RS-9 zoning district and because the comprehensive design will create no additional curb cuts on Old Rural Hall Road, staff is supportive of the rezoning.

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 BUILDING PERMITS
  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.

- PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. 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.
  b. Developer shall install an Enter Only sign on the northernmost driveway prior to the issuance of occupancy permits.
  c. A twenty (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.
  d. 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.

2. Any portion of an existing stone wall which lies within the public right-of-way of Opportunity Road shall be removed.

3. If a slope greater than 3 to 1 is established, plantings must be installed in accordance with UDO Section 3-5.

[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.]

David Reed presented the staff report.
PUBLIC HEARING

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

__________________________
A. Paul Norby, AICP
Director of Planning