DOCKET #: F1468
(continued from 9/14/2006)

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

EXISTING ZONING:
RS9

PETITIONER:
Donald and Maxine Joyce for property owned by Same

SCALE: 1" represents 400'
STAFF: King
GMA: 3
ACRE(S): 2.95
MAP(S): 672850
October 25, 2006

Donald A. and Maxine Joyce
1022 Sedge Garden Road
Kernersville, NC  27284

RE: ZONING MAP AMENDMENT W-2891 (FORMERLY F-1468)

Dear Mr. & Mrs. Joyce:

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, FAICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Pratt Dunlap, 1235 Woodbrook Drive, Kernersville, NC 27284
Shanteen Crews, 2219 Glenn High Road, Winston-Salem, NC 27107
Brian Sprinkle, 1819 Denise Lane, Winston-Salem, NC 27127
Tina Lawrence, 1130 Birch Hill Drive, Kernersville, NC 27284
ACTION REQUEST FORM

**DATE:** October 25, 2006  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of Donald A. and Maxine Joyce

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Donald A. and Maxine Joyce from RS-9 to RM-8-S (Child Day Care Center): property is located on the northwest corner of Union Cross Road and Shepard Grove Road (originally Zoning Docket F-1468 - now known as Zoning Docket W-2891 as a result of the annexation effective on September 30, 2006).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Donald A. and Maxine Joyce,
Docket W-2891

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 5646, Tax Lot 110

Section 2. This Ordinance is adopted after approval of the site plan entitled Sugar and Spice Day Care/Donald A. and Maxine Joyce and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _______ day of _________________, 20___ to Donald A. and Maxine Joyce.

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 Sugar and Spice Day Care/Donald A. and Maxine Joyce. 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 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 Donald A. and Maxine Joyce, (Zoning Docket W-2891). 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:

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

• PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from NCDOT.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.

• PRIOR TO THE ISSUANCE OF BUILDING/ZONING PERMITS:
  a. Developer shall obtain a bufferyard variance from the Zoning Board of Adjustment or comply with all applicable UDO bufferyard requirements.
  b. Developer shall substantially comply with the submitted building photograph as shown on Exhibit A for the proposed building design, as verified by Planning Staff.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall complete all requirements of the NCDOT driveway permit.
  b. Developer shall install the chain link fence as shown on the site plan. The fence shall be black vinyl coated to enhance the quality of the development for surrounding residences and for the large volume of traffic along Union Cross Road.
  c. Developer shall provide a payment in-lieu of the sidewalk construction along the subject property’s frontage along Union Cross Road. The payment shall be made
to the City of Winston-Salem in an amount approved by the Engineering Division of the City of Winston-Salem Public Works Department.

d. All lighting devices to be installed as per approved plans. All new on-site lighting shall be a maximum of 18 feet tall and shall be of the full cutoff type and designed not to cast more than 0.5 footcandle of light beyond the northern property line.

• OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet and a maximum copy area of eighteen square feet.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Continuance History</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Proposal</strong></th>
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</thead>
</table>
| The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to RM-8-S (Residential Multifamily; 8 units/acre – Special Use Zoning). The petitioner is requesting the following uses:  
  - Child Day Care Center |

<table>
<thead>
<tr>
<th><strong>Zoning District Purpose Statement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The RM-8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</td>
</tr>
<tr>
<td>Yes, the subject property is located within GMA 3.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>GENERAL SITE INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
</tr>
<tr>
<td><strong>Ward</strong></td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Surrounding Property Zoning and Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direction</strong></td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
</tr>
<tr>
<td>Yes, a daycare center would be compatible with the existing surrounding residential uses.</td>
</tr>
<tr>
<td>Physical Characteristics</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
</tr>
</tbody>
</table>

**Generalized Recommended Conditions**

BRIEF DESCRIPTION OF CONDITION(S):  
- Condition requiring stormwater review

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Cross Road</td>
<td>Major Thoroughfare</td>
<td>+/- 503 feet</td>
<td>15,000</td>
<td>11,000</td>
</tr>
<tr>
<td>Shepherd Grove</td>
<td>Local Road</td>
<td>+/- 116 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**  
The site plan proposes one access point onto Union Cross Road that will be located near the southern portion of the site.

**Planned Road Improvements**  
The Thoroughfare Plan recommends that Union Cross Road (between Wallburg Road and Old Salem Road) be constructed as a six-lane cross section.

#### Trip Generation - Existing/Proposed

- **Existing Zoning:** RS-9  
  
  \[
  2.95 \times 43,560 / 9,000 = 14 \text{ units} \times 9.57 \ (\text{SFR Trip Rate}) = 133 \ \text{Trips per Day}
  \]

- **Proposed Zoning:** RM-8-S  
  
  \[
  9,000 / 1,000 \times 79.26 \ (\text{Day Care Center Trip Rate}) = 713 \ \text{Trips per Day}
  \]

**Sidewalks**  
None existing

**Traffic Impact Study (TIS)**  
Not required

**Analysis of Site Access and Transportation Information**  
The site is located along Union Cross Road which is scheduled for improvements as called for on the Thoroughfare Improvement Plan (TIP). The TIP calls for Union Cross Road to be constructed as a four lane cross section with raised median. The site plan proposes one full access point onto Union Cross Road. This access point would allow full turning movements until the road improvements on Union Cross Road have been constructed. At that time the raised median would restrict turning movements to right-in/right-out. Right-of-way dedication will be required with this request in coordination with the Union Cross Road project. The request does present an increase in estimated trips per day from 133 to 713.

**Generalized Recommended Conditions**

BRIEF DESCRIPTION OF CONDITION(S):  
- Condition to obtain NCDOT driveway permit

W-2891 October 2006 7
Conditions

CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**  
GMA 3 (Suburban Neighborhoods)

**Relevant Legacy Recommendations**  
Legacy recommends increasing infill development within the Municipal Services Area.

**Relevant Area Plan(s)**  
The subject property is not located within the boundaries of an area plan or development guide.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)**  

| (S)(3) - Have changing conditions substantially affected the area in the petition? | Yes |
| (S)(4) - Is the requested action in conformance with Legacy? | Yes |

**Analysis of Conformity to Plans and Planning Issues**

The subject request is one of a recent handful of rezoning cases along Union Cross Road within the last one to two years. Two other requests (F-1434 and F-1452) were for commercial zoning located south of I-40 and raised the concerns of staff about stripping out Union Cross Road with commercial development. This request provides a good alternative to strip commercial development for this area. The use and zoning should be compatible with the surrounding residential properties. The request also sends the message that commercial development is not the only viable option for properties along Union Cross Road that wish to convert from their current residential single family zoning classification. Staff views this request as setting a positive transition for this area.

**RELEVANT ZONING HISTORIES**

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation from Site</th>
<th>Recommendation from CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-964</td>
<td>R-5 to B-3-S TWO PHASE</td>
<td>Denied 6/25/90</td>
<td>North</td>
<td>5.32</td>
<td>Denial</td>
<td>Denial</td>
</tr>
</tbody>
</table>

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>9,000 sf</td>
<td>Approximate middle</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 spaces</td>
<td>37 spaces</td>
<td>90° head-in to the south of the building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 feet</td>
<td>1-story</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>65%</td>
<td>26%</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>• Section 2-1.2(L) RM-8 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complies with Chapter B, Article VII, Section 7-5.3</td>
<td><strong>(A) Legacy policies:</strong> Yes</td>
</tr>
<tr>
<td><strong>(B) Environmental Ord.</strong> Yes</td>
<td><strong>(C) Subdivision Regulations</strong> NA</td>
</tr>
<tr>
<td>Analysis of Site Plan Compliance with UDO Requirements</td>
<td>The proposed site plan shows a 9,000 square foot building to be used for the daycare operation. Access and thirty-seven parking spaces will be located on the southern half of the property. A fenced play area will be located on the northern half of the property adjacent to the proposed building. Staff is awaiting minor revisions to the site plan.</td>
</tr>
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<td>Generalized Recommended Conditions</td>
<td><strong>BRIEF DESCRIPTION OF CONDITION(S):</strong></td>
</tr>
<tr>
<td></td>
<td>• Condition to obtain bufferyard variance or meet bufferyard requirements</td>
</tr>
<tr>
<td></td>
<td>• Signage condition</td>
</tr>
<tr>
<td></td>
<td>• Lighting condition</td>
</tr>
<tr>
<td></td>
<td>• Condition that proposed building shall comply with volunteered elevations</td>
</tr>
<tr>
<td>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</td>
<td><strong>Positive Aspects of Proposal</strong></td>
</tr>
<tr>
<td></td>
<td>The request is in conformance with Legacy.</td>
</tr>
<tr>
<td></td>
<td>RM zoning sets a positive example for the conversion of other single family properties in the area and provides an alternative to commercial strip development.</td>
</tr>
<tr>
<td></td>
<td>A daycare facility appears to be a needed use in this area.</td>
</tr>
<tr>
<td></td>
<td>The daycare center would be compatible with surrounding properties.</td>
</tr>
<tr>
<td>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</td>
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OTHER REQUIREMENTS:

a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet and a maximum copy area of eighteen square feet.

STAFF RECOMMENDATION: APPROVAL

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.

Aaron King presented the staff report.

PUBLIC HEARING - August 10, 2006

FOR:

Pratt Dunlap, 1235 Woodbrook Drive, Kernersville, NC 27284

- Within approximately two and a half miles of this property are 3500 recently approved home sites.
- The only other day care center near this property is some three miles away.
- In addition to these new homes, there's a shopping center proposed at I-40/Union Cross Road and a Village Center proposed at Hwy 66 and Old Salem Road.
- We think this is a great location for a day care and a great use for this property.
Shanteen Crews, 2219 Glenn High Road, Winston-Salem, NC  27107
• Please approve this rezoning.
• We would be licensed for 150 children and a staff of 18.
• There is a need for a large facility in this area.
• It will cater to children from birth to age 12.
• It's approximately 9,000 square feet.
• It will have a privacy fence between the playground and the neighbors.
• Schools are expanding in this area.
• The new location will give parents peace of mind.
• The day care will bring economic growth in the area by offering employment to 18-20 persons.
• We sent out 100 flyers to neighbors about the day care and received two responses, neither of which was negative.
• We went door-to-door to adjoining neighbors. All were happy and positive about the way the day care center was laid out.
• There is a need now for this day care center.

Brian Sprinkle, 1819 Denise Lane, Winston-Salem, NC  27127
• Showed map of surrounding residential properties.
• This would be the least amount of impact on this area due to it being a day care facility.
• This would have a residential look, rather than a commercial building.
• There would be buffering and landscaping as required by Inspections.
• This is a growing need in this area.
• There is a proposal by NCDOT to make this road six lanes.
• We do not have elevations at this point.
• Submitted maps.

AGAINST:

Tina Lawrence, 1130 Birch Hill Drive, Kernersville, NC  27284
• I'm here on behalf of the residents of 126 houses in this area.
• This will also require a special use permit from the Zoning Board of Adjustment.
  (NOTE: Special Use Zoning precludes the need for a separate special use permit from the Zoning Board of Adjustment.)
• Cited requirements for a Day Care Center as Accessory Use and stated that this does not meet those conditions.
• Staff clarified for Ms. Lawrence that the UDO allows a stand-alone Day Care Center under these circumstances.
• Most of us live here because it is between the three major cities in the area.
• Described the area and traffic patterns and problems in the area.
• The problem with the day care specifically is that the peak traffic times are 6:30-7:30 AM and 4:30-6:00 PM.
• The average loading time for a 4-6 year old child is eight minutes. For an infant or toddler, the average is 12 minutes.
• Traffic is already backed up in the morning with one car every sixty seconds and in the afternoon with one car every 47 seconds.
• Showed on a map where Union Cross Road is scheduled for expansion.
• We find it offensive that a Traffic Impact Study is not required.
• We were told we needed to take this up with the NCDOT. Personally, unless the NCDOT has a rabbit in their hat, I'm not sure what the solution would be.
• The staff report would have us believe that a day care center would be better than a commercial strip. However, a commercial strip would have more than one entrance and I don't believe a commercial strip would have so much traffic concentrated within one hour.
• We'd rather have the commercial strip.
• Submitted materials.

**WORK SESSION**

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

1. Connie Curtis, Winston-Salem Department of Transportation, addressed the traffic concerns which were raised. The peak for requiring a Transportation Impact Study is 150 or more trips during the peak hour or being in a more congested area. When we've done studies in this area, we have not seen the truck traffic that we expected to see. The estimation of trips includes deliveries, teachers going and coming for lunch breaks, etc. When a parent drops a child off, it's considered two trips - one coming, one going. Construction on widening Union Cross Road will begin during State Fiscal Year 08 (from July 2008 to June 2009). Access to the site from Shepards Grove was considered, but there is so little road frontage there for this site that the access would interfere with the operation of the intersection.

2. The board discussed traffic, lighting, elevations, and stormwater.

3. The City allows payment in lieu of construction of sidewalks when there are immediate plans for widening roads, etc. If the annexation goes through, the City would put in sidewalks at the end of the construction of the street with the funds that are paid in lieu of construction.

**MOTION:** Carol Eickmeyer moved continuance of the zoning map amendment to August 14, 2006.

**SECOND:** Arthur King

**VOTE:**

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** - September 14, 2006

David Reed explained the changes made to the site plan to address issues of sidewalks, building elevations, bufferyards, and lighting.
FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved continuance of the zoning map amendment to October 12, 2006.
SECONDE: Clarence Lambe
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECONDE: Paul Mullican
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

_________________________
A. Paul Norby, FAICP
Director of Planning