

**DOCKET #:** W2872

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

**EXISTING ZONING:**  
RS9 and RM8-S

**PETITIONER:**  
Nellar Realty Company Inc. for property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 1.9

**MAP(S):** 618890



July 18, 2006

Nellar Realty Company, Inc.  
c/o Frank S. Nelson, President  
P. O. Box 10513  
Greensboro, NC 27404

RE: ZONING MAP AMENDMENT W-2872

Dear Mr. Nelson:

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

**ACTION REQUEST FORM**

**DATE:** July 26, 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 Petition of Nellar Realty Company Inc.

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Nellar Realty Company Inc. from RS-9 and RM-8-S (Child Day Care Center) to RM-8-S (Child Day Care Center): property is located on the south side of Noel Drive, east of University Parkway (Zoning Docket W-2872).

**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 Nellar Realty Company Inc., Docket W-2872

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

Tax Block 2048, Tax Lot 208

Section 2. This Ordinance is adopted after approval of the site plan entitled Lollipop Stop/Nellar Realty Company Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Nellar Realty Company Inc.

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 Lollipop Stop/Nellar Realty Company Inc. 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 Nellar Realty Company Inc., (Zoning Docket W-2872). 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 GRADING PERMITS:**
  - a. Developer shall obtain a driveway permit from the Winston-Salem Public Works Department.
  - b. Developer to obtain grading permit if disturbed area exceeds 10,000 sf.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the WS driveway permit.
- **OTHER REQUIREMENTS:**
  - a. All on-site lighting shall be a maximum of 15 feet tall and shall be of the cutoff type or otherwise designed not to cast direct light on adjacent properties.

**CITY-COUNTY PLANNING BOARD STAFF  
STAFF REPORT FOR: Docket # W-2872  
July 13, 2006**

PETITION INFORMATION			
<b>Docket #</b>	W-2872		
<b>Staff</b>	Gary Roberts		
<b>Petitioner(s)</b>	Nellar Realty Company Inc.		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Tax Lot 208 / Tax Block 2048		
<b>Type of Request</b>	Special Use rezoning from RM8-S and RS-9 to RM8-S		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RM8-S Residential, Multifamily District (Child Day Care Center) and RS-9 Residential, Single Family District; 9,000 sf minimum lot size <b>to</b> RM8-S. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Child Day Care Center</li> </ul>		
<b>Zoning District Purpose Statement</b>	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.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<p><b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes</p>		
GENERAL SITE INFORMATION			
<b>Location</b>	South side of Noel Drive, east of University Parkway		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	Northeast		
<b>Site Acreage</b>	Approximately ± 1.9 acre		
<b>Current Land Use</b>	Day Care Center and undeveloped property		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS-9	Single family homes
	East	RS-9	Single family home
	South	RS-9	Undeveloped
	West	LB & RS-9	Auto repair business and a single family home
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<p><b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b></p> <p>The proposed day care is compatible with the adjacent commercial use to the west.</p>		

<b>Physical Characteristics</b>	The site has a gentle to moderate slope downward toward Noel Drive and the southeastern portion of the site.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues			
<b>Analysis of General Site Information</b>	The site is adequate for the proposed improvements.			
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>			
	<ul style="list-style-type: none"> <li>Lighting condition</li> </ul>			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Noel Drive	Local Street	289'	NA	NA
<b>Proposed Access Point(s)</b>	The existing facility has two driveway connections onto Noel Drive. The subject request includes a relocation of the eastern most driveway to access the new parking area.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RM8-S and RS-9</u> $7,239/1,000 \times 79.26$ (Day Care Center Trip Rate) = 574 Trips per Day + $0.75 \times 43,560/9,000 = 3$ units $\times 9.57$ (SFR Trip Rate) = 29 Trips per Day = 603 Total Trips per Day  <u>Proposed Zoning: RM8-S</u> $7,239/1,000 \times 79.26$ (Day Care Center Trip Rate) = 574 Trips per Day			
<b>Sidewalks</b>	No sidewalks are currently located in the general area. Because the site is located on the northern edge of the North Summit Square Metro Activity Center, staff recommends a sidewalk be provided along the Noel Drive frontage of the site.			
<b>Transit</b>	Northern Connector Route 44 along Hanes Mill Road.			
<b>Analysis of Site Access and Transportation Information</b>	Access to the site is adequate.			
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>			
	<ul style="list-style-type: none"> <li>Obtain driveway permit from WSDOT</li> <li>Provide sidewalk along Noel Drive</li> </ul>			

<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>						
<b>Legacy GMA</b>	Suburban Neighborhoods (GMA 3)					
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>The site is located on the northern edge of the North Summit Square Metro Activity Center. Metro Activity Centers (MACs) should provide retail, office, residential and institutional uses linked by a highly connected pattern of streets, sidewalks, and shared open spaces. MACs are segmented into a Core Area and a support area. The subject property is located within the support area which is intended to consist primarily of medium- and high-density residential uses transitioning to lower density uses at its edge.</li> </ul>					
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan (2005)</i>					
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The area plan further identifies the subject property as being within the support area of the North Summit Square Metro Activity Center.</li> </ul>					
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>					
	No					
	<b>(S)(4) - Is the requested action in conformance with Legacy?</b>					
Yes						
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject request would allow for the expansion of an existing institutional use which is in an appropriate location. The site is located in the support area of the North Summit Square Metro Activity Center as identified by both <i>Legacy</i> and the <i>North Suburban Area Plan</i> .					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2787	HB-S to Site Plan Amendment	Approved 11-21-05	500' southeast	20.47	Approval	Approval
W-2703	RS-9 to RM8-S (Residential Building, Multifamily)	Denied 7-05-04	Adjoins southeast portion of current site	27.50	Denial	Denial
W-2260	RS-9 and LB to RM8-S (Child Day Care Center)	Approved 10-5-98	Included current site	1.15	Approval	Approval
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>						
Building Square Footage	Square Footage			Placement on Site		
	7,239 sf			Center of site		



<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	27 spaces	31 spaces	On both sides of the building
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	45'		1 story
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	65%		37%
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 2-1.2 (L) RM-8 Residential, Multifamily District</li> <li>• Section 2-5.18 Child Day Care Center Use Conditions</li> </ul>		
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy policies:</b>	Yes	
	<b>(B) Environmental Ord.</b>	NA	
	<b>(C) Subdivision Regulations</b>	NA	
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The revised site plan meets the requirements of the UDO.		
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>			
<b>Positive Aspects of Proposal</b>		<b>Negative Aspects of Proposal</b>	
Request would permit the expansion of an existing Child Day Care Center which is suitably located on the edge of a Metro Activity Center.		The day care site would extend closer to an adjacent single family residence to the east.	
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>			
<b><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></b>			
<ul style="list-style-type: none"> <li>a. Developer shall obtain a driveway permit from the Winston-Salem Public Works Department.</li> <li>b. Developer to obtain grading permit if disturbed area exceeds 10,000 sf.</li> </ul>			
<b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b>			
<ul style="list-style-type: none"> <li>a. Developer shall complete all requirements of the WS driveway permit.</li> </ul>			
<b><u>OTHER REQUIREMENTS:</u></b>			
<ul style="list-style-type: none"> <li>a. All on-site lighting shall be a maximum of 15 feet tall and shall be of the cutoff type or otherwise designed not to cast direct light on adjacent properties.</li> </ul>			

**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.**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

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

SECOND: Arthur King

VOTE:

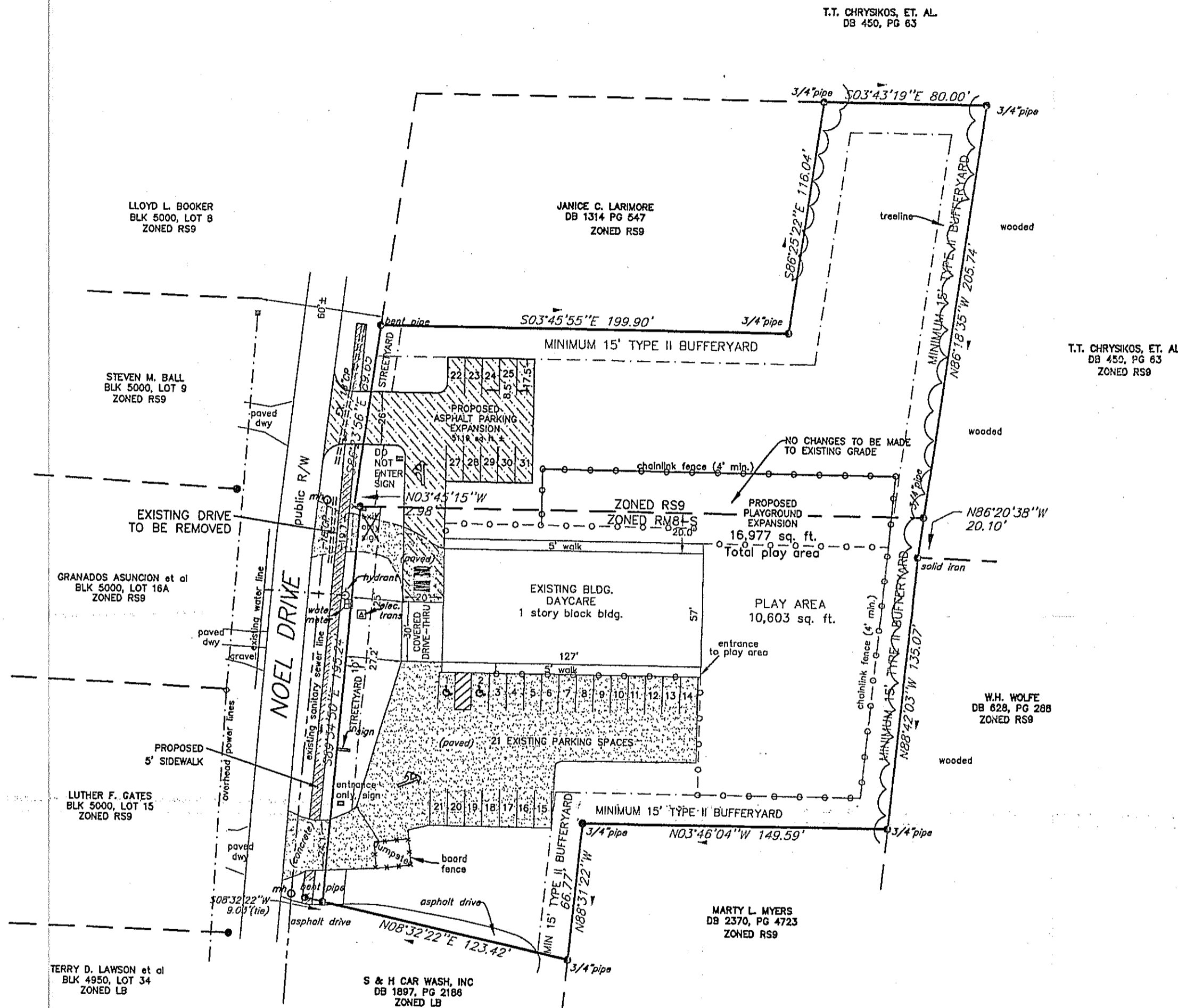
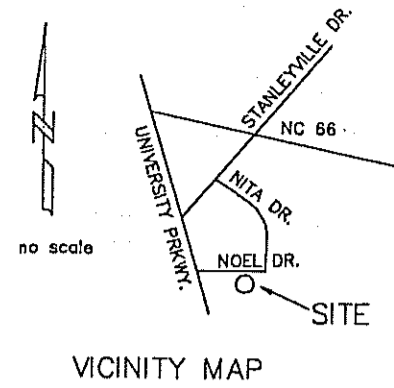
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning



**SITE PLAN LEGEND**

<b>ZONING</b> Existing Zoning: RS9 and RMB-S Proposed Zoning: RMB-S Proposed Review: Rezoning (i.e. Rezoning, Planning Board Review, Preliminary Subdivision Approval, etc.)	<b>OFF-STREET PARKING (if applicable)</b> Proposed Use(s): 19 employees Required Parking: 1 space(s) / @ 2 per = 10 spaces Proposed Use(s): 162 children Required Parking: 1 space(s) / @ 10 per = 17 spaces
<b>SITE SIZE &amp; COVERAGES</b> Total Acreage: 1.907 Ac Site Coverages: 0.703 Ac Building to Land: 10 % Pavement to Land: 27 % Open Space: 63 % TOTAL: 100%	Parking Required: 27 spaces Parking Provided: 31 spaces
<b>INFRASTRUCTURE</b> Water: YES Public Private Sewer: YES Public Private Streets: YES Public Private	<b>OFF-STREET LOADING (if applicable)</b> Required Loading/Unloading Spaces: 9 Loading/Unloading Spaces Provided: 9 Size: 8.5 Ft X 18 Ft
<b>REQUIRED INDOOR SPACE</b> 25 Sq Ft per child Number of children: 162 Required sq ft: 4050 SPACE PROVIDED = 7200 sq. ft.	<b>REQUIRED OUTDOOR SPACE</b> 100 Sq Ft per child Number of children: 162 Required sq ft: 16,200 SPACE PROVIDED = 16,977 sq. ft.
<b>REQUIRED SETBACKS - RMB</b> Front : 25' Min Rear : 25' Min One side: 7' Min Combined: 20' Min Street : 20' Min	<b>BUFFERYARDS (if applicable)</b> Adjoining Zoning: RS9 Type Required: Type - II Width Provided: 15' Ft Fence Option: Yes X No
<b>JURISDICTION</b> City of WINSTON-SALEM	

PURPOSE: The purpose of this request is to rezone from RS-9 to RM-8-S for an expansion to an existing daycare.



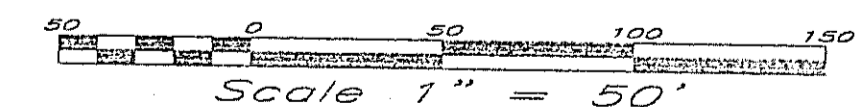
I, ERIC L. CRAVER, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; DEED DESCRIPTIONS RECORDED AS NOTED IN TITLE SOURCE; THE RAW ERROR OF CLOSURE AS CALCULATED BY COORDINATES IS 1:20,000+; THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AS NOTED.

WITNESS MY HAND AND SEAL THIS 5th DAY OF JUNE, 2006.

*Eric L. Craver*

**PRELIMINARY**  
NOT FOR CONSTRUCTION, CONVEYANCES OR SALES

1.907 Acres total



CONTOUR LINES DRAWN FROM WINSTON-SALEM, NC TOPOGRAPHIC MAPS.

- LEGEND**
- EXISTING IRON
  - SET IRON PIPE (1/2" I.D.)
  - × NONMONUMENTED POINT

**NOTES**

THIS MAP IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT.

AREA BY COOR. METHOD.

<b>TITLE SOURCE:</b> DB 2614, PG 1449 BLOCK 2048, LOT 208 PIN 6829-32-0281 Zoned RMB-S and RS9	<b>OWNER:</b> NELLAR REALTY COMPANY INC. PO BOX 10513 GREENSBORO, NC 27404 Phone - (336)854-1374 Fax - (336)854-1490 e-mail - nellar1@bellsouth.net
<b>REVISIONS:</b>	<b>BURROW LAND SURVEYING</b> P.O. BOX 1075 KING, NC 27021 PH. (336) 969-4505 FAX (336) 969-4506

SITE PLAN FOR:

**NELLAR REALTY COMPANY, INC.**  
**"LOLLIPOP STOP"**  
**DAYCARE**

TOWNSHIP	COUNTY	STATE
BETHANIA	FORSYTH	NC
PRECISION RATIO	DATE	DRAWN BY
1 : 20,000±	5/23/06	ELC
File name: G:\05DWG\0550\0550		JOB/DWG NO.
		0550-3SP

W-2872 File Copy Revised