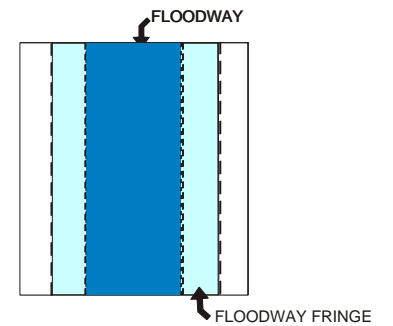


DOCKET #: W2723

PROPOSED ZONING:
RM-8-S (Child Daycare Center)

EXISTING ZONING:
RS-9

PETITIONER:
Dennette Laboy for property owned by Same



SCALE: 1" represents 400'

STAFF: Douglas

GMA: 3

ACRE(S): 0.48

MAP(S): 618882



September 22, 2004

Dennette Laboy
First Start
2113 Taney Court
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2723

Dear Ms. Laboy:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Lucious B. Oliver, P. O. Box 4095, Winston-Salem, NC 27115

ACTION REQUEST FORM

DATE: September 22, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Dennette Laboy

SUMMARY OF INFORMATION:

Zoning map amendment of Dennette Laboy from RS-9 to RM-8-S (Child Day Care Center): property is located on the south side of Shattalon Road west of University Parkway (Zoning Docket W-2723).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Dennette Laboy, Docket W-2723

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 3452, Tax Lot 13C

Section 2. This Ordinance is adopted after approval of the site plan entitled Dennette Laboy and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Dennette Laboy.

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 Dennette Laboy. 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 Dennette Laboy, (Zoning Docket W-2723). 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. NCDOT reserves the right to require improvements prior to issuance of driveway permits.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Grading Permit is required if disturbed area exceeds 10,000 square feet.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. A minimum five foot wide sidewalk shall be constructed along the entire frontage of the property to City of Winston-Salem standards.

- **OTHER REQUIREMENTS**
 - a. One free standing ground sign shall be permitted on Shattalon Drive. Said sign shall be limited to a monument type with a maximum height of six (6) feet.

ZONING STAFF REPORT

DOCKET # W-2723

STAFF: Douglas

Petitioner(s): Dennette Laboy

Ownership: Same

REQUEST

From: 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: .48 acres

LOCATION:

Street: 5720 Shattalon Drive

Jurisdiction: City of Winston-Salem

Ward: North Ward

SITE PLAN

Proposed Use: Child Day Care Center

Square Footage: 2,067 sq. ft.

Building Height: 15 feet (Existing Residential structure)

Parking: Required: 6; Proposed: 6; layout: 6

Bufferyard Requirements: 15 foot type II bufferyard adjoining RM-18/RM-18-S zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single Family residence.

Adjacent Uses:

North- North Forsyth High School / Knollwood Hall Nursing Home zoned IP.

East- Single Family Residential zoned RS-9.

South- Multifamily Residential zoned RM-18-S.

West- Multifamily Residential zoned RM-18.

GENERAL AREA

Character/Maintenance: Mixture of uses in the area

Development Pace: Moderate

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Some of the existing vegetation will be removed, but a significant portion will be preserved.

Topography: The subject property experiences a total elevation change of about six feet, rising from about 848 feet in the southern section of the site up to about 854 feet in the northeast section of the site.

Streams: No streams are on or near the subject property.

Vegetation/habitat: Significant existing vegetation lies to the sides and rear of the existing structure on the subject property.

Environmental Resources Beyond The Site: The proposed site plan should not significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Shattalon Drive; Sturmer Park Circle; University Parkway

Street Classification: Shattalon Drive – Minor Thoroughfare; University Parkway – Major Thoroughfare; Sturmer Park Circle – Local Road

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

Shattalon Drive between Bethania Station Road and Sturmer Park Circle = 11,000/16,100

University Parkway between Shattalon Drive and Hanes Mill Road = 28,000/32,200

Trip Generation/Existing Zoning: RS-9

.48 x 43,560/9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day

Trip Generation/Proposed Zoning: RM-8-S

2,067/1,000 x 79.26 (Day Care Trip Rate) = 163 Trips per Day

Planned Road Improvements: Shattalon Drive between Reynolda Road and University Parkway; from 2-3 lanes to 3 lanes; 2005-2014

Sidewalks: None existing (sidewalk proposed on site plan)

Transit: Route 44 along Shattalon Drive

HISTORY

Relevant Zoning Cases:

1. W-2486; RM-12-S to LO-S; withdrawn September 13, 2001; site located north side of Shattalon Drive and east side of Ionia Street; 0.92 acre.
2. W-2220; LI & IP to GB; approved May 4, 1998; site located on the southwest corner of the intersection of University Parkway and Hanes Mill Road; 4.47 acres; Planning Board and staff recommended approval.
3. W-2088; IP to HB; approved October 7, 1996; site located on the opposite side of University Parkway just south of the subject property; 0.84 acre; Planning Board and staff recommended approval.

4. W-2043; IP to GB; approved May 6, 1996; property located north of the current site in Madison Park along the south side of the US 52 off ramp to University Parkway; 0.46 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for daily shopping needs as well as services like day care centers to be integrated into neighborhoods. These non-residential uses should be designed in such a way as to minimize their impact on the residential character of an area.

Area Plan/Development Guide: *Polo-Reynolda Area Plan* (adopted in 1985)

Relevant Development Guide Recommendation(s): The *Polo-Reynolda Area Plan* anticipated that the subject property would remain as a single-family residential use (its use at the time the plan was completed).

ANALYSIS

The current request is to rezone a single family home on 0.48 acre parcel at the south side of Shattalon Drive west of University Parkway from RS-9 to RM-8-S (Child Day Care Center). Currently on this property, there is a medium sized one-story brick house. Previously, this house was used as a residence. The petitioner would like to provide care for up to 29 children. The site is located at a transitional location amid institutional and multifamily residential uses. It is located directly across from North Forsyth High School and Knollwood Hall Nursing Home. There is an apartment complex located behind the site.

Although the proposed use change to day care center would cause some increase of traffic on Shattalon Drive, the impacts would be primarily limited to the area directly in front of the proposed site, and would not substantially increase traffic in the rest of the area. The petitioner has also stated to staff that the business will provide a van pickup for children which would decrease the potential car traffic arriving at the proposed day care center.

The *Polo-Reynolda Area Plan* anticipated that the subject property would remain as a single-family residential use (its use at the time the plan was completed). *Legacy* calls for daily shopping needs as well as services like day care centers to be integrated into neighborhoods. These non-residential uses should be designed in such a way as to minimize their impact on the residential character of an area.

Staff has worked with petitioner to modify the site plan to allow for increased pervious (non paved) area which will allow the preservation of trees and decrease the amount of impervious coverage in the front yard. The petitioner agreed to preserve the three existing trees in the front of the site as well as existing trees located on the west side of the property. The petitioner also agreed to narrow the paved driveway between the street yard and existing dwelling from 25 feet to 20 feet, narrow the one-way enter and exit drives to 13 feet and add a 5 foot wide sidewalk along the front of the property. Staff believes that this rezoning is a unique situation in which a one way loop drive with two connections to Shattalon Drive is warranted. NCDOT and City

DOT support this request. Staff does not believe that this would set an inappropriate precedent for the area. There are three single family homes on the east site of the proposed site that staff believes may seek rezoning to some non-residential (office) zoning district in the future. These structures are closer to the street than the subject site and could accommodate a single driveway access and rear-oriented parking if converted to non-residential uses.

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 0.48 acre from RS-9 to RM-8-S (Child Day Care Center).
2. The petitioner would like to provide care for up to 29 children.
3. This is an appropriate adaptive reuse of the single family home on the site.
4. Staff has worked with petitioner to re-examine the site plan to make it more compatible with vehicular circulation and tree preservation needs.

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. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Grading Permit is required if disturbed area exceeds 10,000 square feet.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. A minimum five foot wide sidewalk shall be constructed along the entire frontage of the property to City of Winston-Salem standards.
- **OTHER REQUIREMENTS**
 - a. One free standing ground sign shall be permitted on Shattalon Drive. Said sign shall be limited to a monument type with a maximum height of six (6) feet.

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.

SECOND: Jimmy Norwood

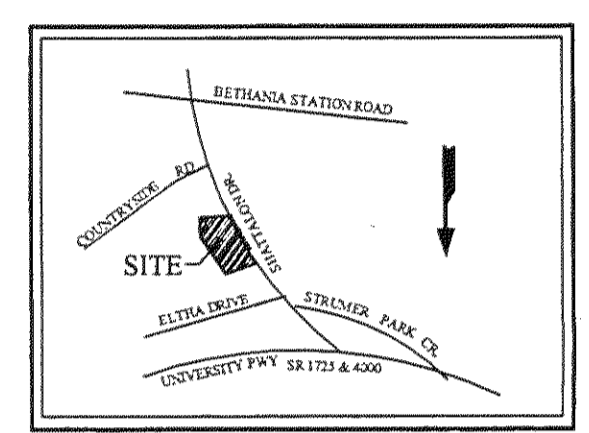
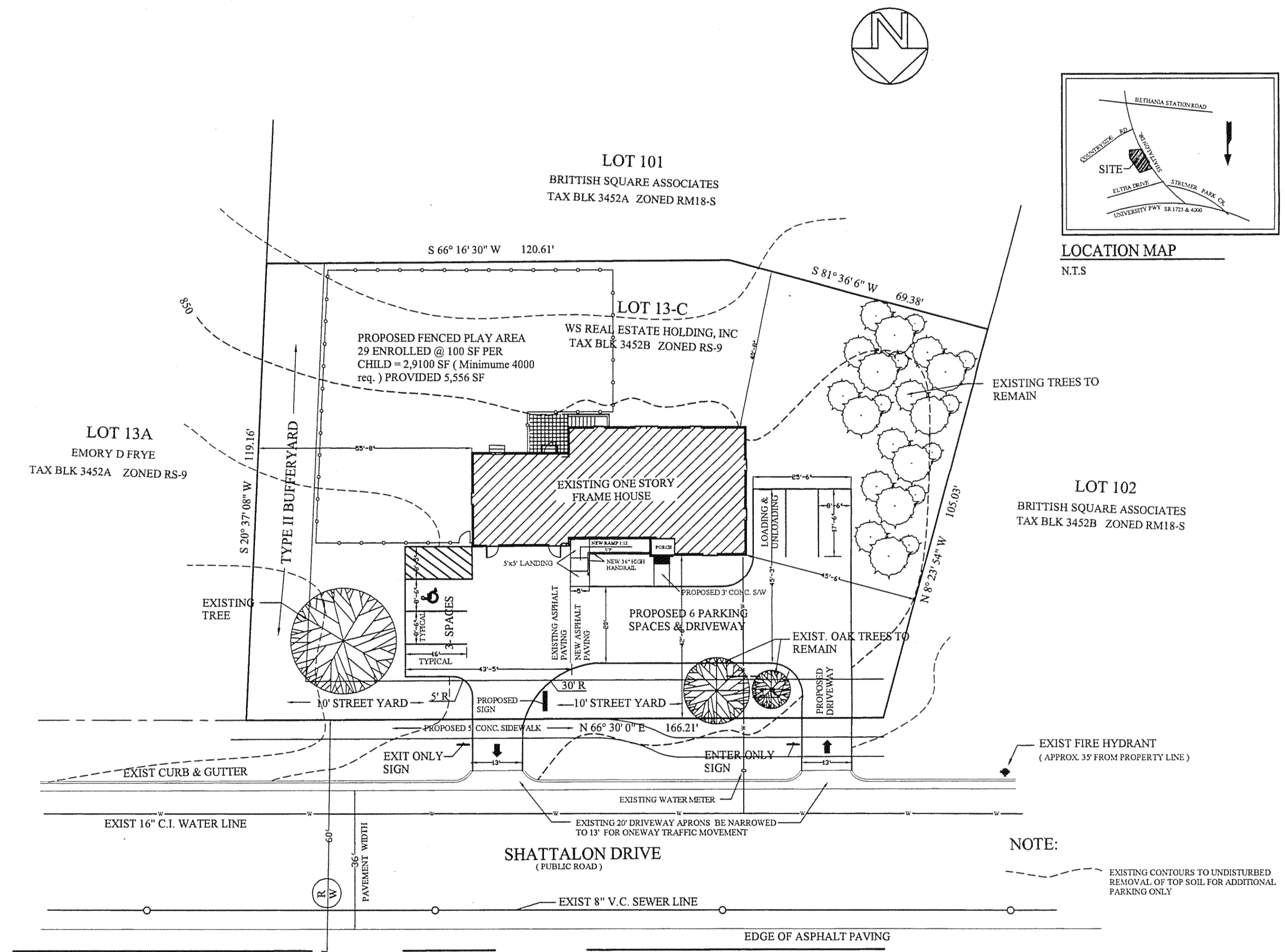
VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning



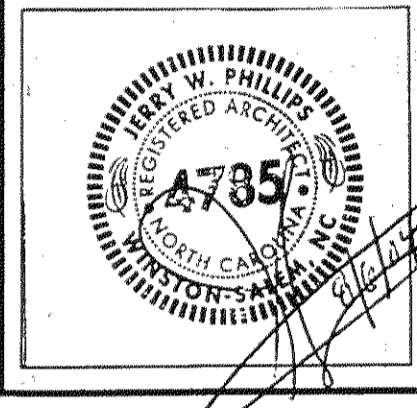
LOCATION MAP
N.T.S.

SITE PLAN LEGEND

<p>ZONING</p> <p>Existing Zoning: <u>RS-9</u> Proposed Review: <u>RM-8</u> (i.e. Rezoning, Planning Board Review, Preliminary Subdivision Approval, etc.)</p>	<p>OFF-STREET PARKING (if applicable)</p> <p>Proposed Use(s) <u>DAYCARE CENTER 29-CHILDREN</u> Required Parking: <u>6</u> Spaces / 1 per 2 Employees / 1 per 10 children Parking Provided: <u>5</u> Spaces</p>
<p>SITE SIZE AND COVERAGES</p> <p>Total Acreage: <u>.48 / 20,753 SF</u> Acre(s) Site Coverages: Building to Land <u>10</u> % Pavement to Land <u>24</u> % Open Space <u>66</u> % TOTAL <u>100</u> %</p> <p>Building Square Footage: <u>2,067</u> Sq. Ft. Building Height: <u>15'</u> Ft.</p>	<p>OFF-STREET LOADING (if applicable)</p> <p>Required Loading/Unloading Spaces: <u>1</u> Loading/Unloading Spaces Provided: <u>1</u> Size: <u>8.5</u> Ft. X <u>17.5</u> Ft.</p> <p>BUFFERYARDS (if applicable)</p> <p>Adjoining Zoning: <u>RM-18 / RM-18S</u> Type Required: <u>TYPE II</u> Width Provided: <u>15</u> Ft.</p>
<p>DENSITY CALCULATIONS (if applicable)</p> <p>Number of Units or Lots: <u>N/A</u> Units/Lots Density: <u>N/A</u> Units / Acre or Lots / Acre</p>	<p>OTHER INFORMATION OR NOTES</p> <p>(i.e. Use Condition Compliance Information or other Special Notes)</p>
<p>WATERSHED CALCULATIONS (if applicable)</p> <p>Total Site Square Footage: <u>20,753</u> Sq. Ft. Less: Existing Built Upon Area: <u>4,147</u> Sq. Ft. Vacant Land Area: <u>16,606</u> Sq. Ft.</p> <p>Maximum New Built Upon Area <u>3,985</u> Sq. Ft. (Vacant Land Area X 36 % if no curb and gutter, or X 24% if curb and gutter)</p> <p>Total Maximum Coverage <u>8,132</u> Sq. Ft. (Existing Built Upon Area Plus New Maximum Built Upon Area)</p> <p>Proposed Built Upon Area: <u>7,076</u> Sq. Ft.</p>	

1 SITE PLAN
SP-1 SCALE: 1" = 20'

CHILDCARE UNLIMITED
 LUCIOUS B. OLIVER
 P.O. BOX 4085
 WINSTON-SALEM, NC 27115
 (336) 744-5804



Site Plan For
First Start
 5720 Shattalon Drive
 Winston-Salem, North Carolina 27105

NORTH	PLAN	TREE
JOB NO.		
DATE:	7/7/04	
DRAWN:	L. OLIVER	
CHECKED:		
DATE:	ISSUES/REVISIONS	
	8/30/04 Added Exist. Trees	
	8/30/04 Reduced Driveways	
	7/24/04 Add Water/Sewer Lines	
	7/10/04 Added Contours	

SP-1
OF 1

See Site Plan Checklists Forms 1, 2 or 3 City-County Planning Board

W-2373