

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: INST(CD), institutional, conditional
LOCATION	Approximately 1.89 acres located on Sardis Road across from Wilby Drive.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to allow the construction of an adult day care center accommodating up to 80 clients and related personnel and most other uses permitted in the institutional district.
Property Owner Petitioner Agent/Representative	Larry Johnson Mt. Tabor Community Development Corporation/Louis Ngomo Okitenbo Paul Woody/PWAI Architecture
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. The petitioner added a note stating the dedication of the property for greenway purposes will occur prior to issuance of building permits.
2. In light of there being no set timeframe for design and construction of the greenway, or available funding, the petitioner has responded to the request for information about how the open space, greenway, greenway access and elevation near what appears to be the creek line will co-exist by providing the following language on the site plan (with input from the Mecklenburg Parks and Recreation Department staff):
 - a) The petitioner and county agree to allow a connection from the petitioner's property to the greenway access trail in the future. Construction of the petitioner's private access trail will occur at the same time or after the county's construction of the greenway access trail. The construction of the private access trail will be designed and built in strict accordance with ADA and ANSI codes and standards.
 - b) The county will build the greenway access trail at some point in the future as funding allows.
 - c) The petitioner would be provided a point to connect onto the county trail that would enable the clients of the petitioner access.
 - d) The petitioner agrees to work with the county for this future connection.
 - e) Any necessary cooperative agreements required by the county will be pursued when design and construction is anticipated.
3. The petitioner added language to the site plan stating that the purpose of the 12-foot gravel drive for dry land access is to provide for the ability to access a habitable building during a flood condition, and that the ordinance requires that a site provide a dry land access point at the highest point on the property when flood conditions prevent the driveway from being used.
4. The petitioner revised the site plan to show the drainage easement (per deed) and to show that the parking area appears to be outside of the drainage easement. The petitioner has provided language on the site that clarifies what the adjacent note regarding "future

conditions flood fringe elevation” means and states that it is the elevation by which the parking and building need to be referenced. The parking and building have minimum criteria that use this elevation (a completed and approved flood study established the elevation).

5. The petitioner added a note to the site plan stating that any modifications to the site plan will be in accordance with Section 6.2 of the City of Charlotte Zoning Ordinance.
6. The petitioner amended Note 8.1 to read “...shielded with full cut off fixtures...”
7. The petitioner confirmed with staff that no structures are associated with the proposed water quality features.

VOTE

Motion/Second:	Randolph/Griffith
Yeas:	Allen, Dodson, Griffith, Randolph and Rosenburgh
Nays:	None
Absent:	Simmons and Walker
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that modifications made to the site plan since City Council public hearing pertained to the construction of the greenway access trail. There was no discussion of this item.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *South District Plan* but to be reasonable and in the public interest, by a 5-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Allen).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
 The site plan accompanying this petition contains the following provisions:
 - An adult day care facility to accommodate up to 80 clients and related personnel and all other uses permitted in the institutional district except beneficial fill sites, cemeteries and jails and/or prisons.
 - Associated accessory uses, parking, and service areas as permitted in the institutional district.
 - Construction of one to two-story building consisting of between 5,000 and 7,500 square feet, with a maximum base footprint of 5,000 square feet and a maximum of 2,500 square feet for the second floor.
 - Building overhang for covered drop-off.
 - Pedestrian walkway connecting the facility to the six-foot sidewalk along Sardis Road.
 - Parking lot containing 26 spaces with one driveway access onto Sardis Road.
 - Installation of Class C buffers along property lines abutting parcels zoned R-3.
 - Dedication of .608 acres to Mecklenburg County Park and Recreation Department (MCPR) for greenway purposes, with the petitioner agreeing to allow Park and Recreation to build a connection to the greenway access trail from the proposed adult day care facility. MCPR is also agreeable to allowing the petitioner to construct a connection.
 - Approximate locations for rain garden and detention water quality features.
 - Conceptual building elevations referencing Sardis Road (north) and facility entrance (east).
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends single family residential, overlaid with a greenway recommendation within the floodplain.

- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Neighborhood and Business Services:** No comments received.
 - **Schools:** CMS does not comment on non-residential petitions.
 - **Park and Recreation:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
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OUTSTANDING ISSUES

- None.
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Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- CDOT Review
- Community Meeting Report
- LUESA Review
- Park and Recreation Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

Planner: Claire Lyte-Graham (704) 336-3782