

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: INST(CD), institutional, conditional, with five year vested rights
LOCATION	Approximately 2.27 acres located on the east side of Providence Road between South Sharon Amity Road and Westbury Road.
SUMMARY OF PETITION	The petition proposes to allow a preschool and child development center for up to 220 children.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Pearson Properties – Cainhoy 1, LLC Urbane Properties, LLC Andrew H. Weathersbee
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a 5 to1 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4 to 2 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Notes have been added to "Lighting" to indicate maximum height of any new freestanding lighting fixture (including base) will be the lesser of 25 feet or the maximum height permitted in the zoning ordinance; that any lighting attached to the new building will be decorative, capped and downwardly directed; and that "wall-pak" lighting will not permitted. 2. The previous two site plans showing a site design layout with Bermuda Road and a site plan without Bermuda Road (in the event of its proposed withdrawal) have been combined into one overall site plan in order to show Bermuda Road as withdrawn and a 20' rear yard. 3. The site plans previously showing site design layouts with and without Bermuda Road have been combined into one site plan. Withdrawal of the subject portion of Bermuda Road is scheduled for consideration at the June 27, 2011 City Council meeting. 4. The site plan has been revised to show the proposed driveway and turn lane locations per NCDOT and CDOT recommendations. 5. A note has been added to the site plan stating the proposed brick privacy wall will be six feet in height where it borders the play area and no shorter than four feet in other locations. 6. The storm water note under "Environmental Features" has been amended and language provided regarding the review process for location, size and type of storm water management systems.
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VOTE	Motion/Second:	Dodson/Lipton
	Yeas:	Dodson, Lipton, Phipps and Rosenburgh
	Nays:	Fallon and Firestone
	Absent:	Walker
	Recused:	None

**ZONING COMMITTEE
DISCUSSION**

Staff presented the item, noting that the two site plans previously presented to the City Council had been consolidated into one, reflecting the withdrawal of the portion of Bermuda Road and the relocating of the proposed driveway and right-turn lane. Staff noted that the withdrawal of the portion of Bermuda Road abutting the rezoning site was approved by City Council on June 27, 2011. Staff stated that all outstanding issues had been addressed.

Some Committee members expressed concern about the traffic impacts from the proposed use, including potential stacking onto Providence Road, u-turn movements, and only one point of ingress/egress.

A Commissioner inquired if the petitioner had been asked to conduct a Traffic Impact Study (TIS). CDOT staff responded that a TIS had not been requested, but that CDOT staff had conducted an analyses and held conversations with the petitioner regarding these issues and the proposed improvements are as shown on the site plan.

A Committee member asked when it would be known if additional improvements should be made. CDOT staff indicated that the response would be anecdotal and based primarily upon residents making requests and accident data. There was no further discussion of this petition.

MINORITY OPINION

Commissioners Fallon and Firestone were concerned about traffic impacts the proposed use would have on Providence Road, including stacking and U-turn movement. In addition, there was concern about the proposed facility having only one point of ingress/egress. One Commissioner recommended that CDOT provide City Council with further details on any plans to either calm traffic or enhance circulation.

STAFF OPINION

Staff agrees with the recommendation of the majority 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:
 - Establishment of a preschool and child development center with a maximum 220 children and 3 full-time employees.
 - Construction of a one- to two-story building consisting of 13,500 - 18,500 square feet with a 24,700 square-foot outdoor play area.
 - Installation of a six-foot sidewalk and eight-foot planting strip along Providence Road.
 - Proposed 20-foot Class "C" buffers along the east (formerly portion of Bermuda Road) and south property lines.
 - Dedication of 20 feet of right-of-way along Providence Road to NCDOT and proposed right-turn lane into the site.
 - "Withdrawal" of a portion of Bermuda Road (as accepted by City Council on June 27, 2011) abutting subject rezoning site for incorporation into proposed project area.
 - Proposed four-sided architecture with exterior building materials to primarily consist of brick with accents of precast stone or concrete and synthetic stucco. Visible roof materials to be

architectural shingles.

- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends multi-family residential uses.
 - This petition is inconsistent with the *South District Plan*.
 - **Staff Recommendation (Updated)**
 - Staff recommends approval of this petition as modified.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by proposing a storm water quality sand filter.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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