
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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the outstanding issues. The petition is inconsistent with the <i>South District Plan</i> . However, area plans frequently do not specify locations for institutional uses and the proposed development is compatible with surrounding uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Pearson Properties – Cainhoy 1, LLC Urbane Properties, LLC Andrew H. Weathersbee
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

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 30 full-time employees.
- Construction of a one- to two-story building consisting of 13,500 - 18,500 square feet with an outdoor play area.
- Installation of a six-foot sidewalk and eight-foot planting strip along Providence Road.
- Proposed 20-foot Class "C" buffer along the south property line and a 15-foot Class "C" buffer (reduced 25% with inclusion of a screening wall) along the property line abutting the Bermuda Road right-of-way.
- Dedication of 20 feet of right-of-way along Providence Road to NCDOT and proposed right-turn lane into the site.
- Proposed "withdrawal" of a portion of Bermuda Road along abutting rezoning site which was offered for dedication but never accepted.
- An alternate detail identifying site design modifications in the event Bermuda Road is withdrawn, to include the following:
 - Modifications to parking lot layout and increase in the number of spaces from 53 to 58.
 - Increase in play area from 16,361 square feet to 24,700 square feet.
 - Proposed 20-foot Class "C" buffer along new property line created by withdrawal of Bermuda Road.
 - Solid waste and recycling area moved further to the east.
 - Driveway entrance shifted closer to towards the south property line and turn lane constructed from Westbury Road along adjacent frontage.
- 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.

- **Existing Zoning and Land Use**
 - The site is currently undeveloped and is surrounded by a mix of single family and multi-family (condominiums) residential development, office, retail, religious institutions, and undeveloped acreage on properties zoned R-3, R-17MF, MUDD(CD), B-1, O-2, and CC.
 - **Rezoning History in Area**
 - Petition 2007-118 proposed to rezone the subject site and adjacent properties (totaling 5.38 acres) from R-3 to R-5(CD) and UR-2(CD), in order to accommodate up to 56 multi-family condominium units and three single family homes at an overall density of 11.9 units per acre. This petition was ultimately withdrawn, primarily in response opposition to the request.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends multi-family residential uses.
 - This petition is inconsistent with the *South District Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** CDOT and NCDOT have discussed both proposed site plans and both agencies prefer the site plan that locates the proposed driveway closer to the site's southern property line (or closer to Westbury Road). CDOT also understands NCDOT may have additional comments associated with a northbound right-turn lane on Providence Road.
 - **Vehicle Trip Generation:**
 - Current Zoning: 100 trips per day.
 - Proposed Zoning: 940 trips per day.
 - **Connectivity:** Approximately 20 feet of additional right-of-way to be dedicated to NCDOT to accommodate a possible right turn lane into the site.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** Requests the following note be added to the site plan:
 - Location, size and type of storm water management systems depicted on the rezoning site plan is subject to review and approval with full development plan submittal and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
 - **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 an stormwater quality sand filter.

OUTSTANDING ISSUES

- The petitioner should:
 1. Add language to "Lighting" note indicating maximum height of any new freestanding lighting fixture (including base), that any lighting attached to the new building will be decorative, capped and downwardly directed, and that "wall-pak" lighting fixtures are not permitted.
 2. The 20-foot rear yard currently shown on Sheet 1 is incorrect as Bermuda Street is a "paper street", making the subject site a through lot and requiring a 40-foot yard along Bermuda. Revise Sheet 1 to show the required 40-foot yard setback along Bermuda Street. In the event that portion of Bermuda Street is withdrawn, then the 20-foot rear yard would be applicable as shown on Sheet 2.
 3. Add a note on Sheet 2 of the site plan stating that all applicable development notes on Sheet 1 shall apply in the event Bermuda Road is withdrawn.
 4. Revise Sheet 1 to show the preferred location of the proposed driveway (per CDOT and NCDOT). Show the correct location of the proposed turn lane.
 5. Detail shown at the bottom of Sheet 1 refers to a brick privacy wall. Confirm this is the detail for the screen wall proposed as part of the required buffer, and if so, label as such. Also, clarify on site plan if the same screen wall is proposed along a portion of the play area and south side of the building.
 6. Address Storm Water Services comment.
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Attachments Online at www.rezoning.org

- Application
- 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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