

REQUEST Current Zoning: R-3, single family residential
Proposed Zoning: O-1(CD), office, conditional

LOCATION Approximately 3.56 acres located on the south side of Ballantyne Commons Parkway between Rea Road and Williams Pond Lane. (Council District 7 - Cooksey)

SUMMARY OF PETITION The petition proposes to reuse an existing school building for a child care center for up to 220 children.

PROPERTY OWNER AEA, LLC
PETITIONER AEA, LLC
AGENT/REPRESENTATIVE John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING Meeting is required and has been held. Report available online.

STATEMENT OF CONSISTENCY This petition is found to be inconsistent with the land use recommendation set forth in the *South District Plan* but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Griffith, seconded by Eschert).

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

1. Added Note D under the heading of Transportation, which states "In the event that CDOT and/or NCDOT determine, in its or their sole judgment, that vehicular traffic entering or exiting the site causes vehicles entering the site to queue within Ballantyne Commons Parkway public right-of-way, then the owner of the site and the operator of the childcare center will, at the request of CDOT and/or NCDOT, work with CDOT and/or NCDOT to develop and implement an internal vehicular marshaling and circulation plan to address this issues."
2. The maximum number of students has been reduced from 250 to 220.
3. Modified Site Data and Note B under the heading of Transportation to reflect provision of new information stating a minimum 51 parking spaces (seven additional spaces) are proposed to accommodate the proposed child care center. The note also states that staff and employee parking spaces shall be located in the areas depicted on the rezoning plan.

VOTE

Motion/Second:	Allen/Griffith
Yeas:	Allen, Eschert, Griffith, Johnson, Lathrop and Phipps
Nays:	None
Absent:	Labovitz
Recused:	None

ZONING COMMITTEE DISCUSSION Staff presented the petition and noted that there are no outstanding issues. It was noted that this petition had been deferred previously to allow the petitioner to provide CDOT and NCDOT with additional information regarding the operation of its proposed childcare center, in an effort to resolve the outstanding issues. A committee member questioned whether on-going transportation improvements at the intersection of Ballantyne Commons Parkway and Elm Lane will impact this site. Staff responded that the project will not impact this site.

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:
 - Reuse of an existing one-story, 13,190 square foot building as a child care center for up to 220 children, along with an existing 900 square foot accessory building.
 - The existing outdoor playground and recreational facilities and areas may be converted to other types of outdoor playground and recreational facilities that are accessory to a child care center.
 - Access to site from Ballantyne Commons Parkway.
 - Extension of a five-foot sidewalk from front of building to tie in to the public sidewalk along Ballantyne Commons Parkway.
 - No building expansions.
 - A 26-foot Class C buffer abutting residential dwellings in single family zoning to the south.
 - Installation of a five-foot sidewalk and eight-foot planting strip, along with curb and gutter along the site's frontage on Williams Pond Lane. Width of planting strip may be tapered to less than eight feet in some areas to allow connection to the existing sidewalk along Williams Pond Lane.
 - Freestanding lighting limited to 20 feet in height.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends single family residential dwellings at a maximum density of three dwelling units per acre.
 - The petition is inconsistent with the *South District Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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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.
 - **Transportation:** No issues.
 - **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:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** 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 reusing an existing building.

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
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327