

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: INST(CD), institutional, conditional, with five-year vested rights
LOCATION	Approximately 1.97 acres located on the north corner at the intersection of Providence Road and Westbury Road. (Council District 6 - Dulin)
SUMMARY OF PETITION	The petition proposes to allow a 13,500-square foot preschool/child development center accommodating approximately 178 children.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Pearson Properties-Cainhoy 1, LLC Providence Preparatory School, 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> based on information from the staff analysis and the public hearing; however, to be reasonable and in the public interest, by a 5-0 vote of the Zoning Committee (motion by Commissioner Nealon seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Modified the information under <i>Maximum Building Height</i> to state "Not to exceed 40 feet". 2. Revised labeling on site plan to indicate "Up to 13,500-square foot building". 3. Revised labeling on site plan to state possible tree save areas. 4. Noted that there are no existing trees within the eight-foot planting strip noted along Providence Road. 5. Addressed Transportation comment by adding a note that the petitioner shall install a six-foot wide sidewalk along Westbury Road from the site's property line on Westbury Road to the intersection of Westbury and Crosby Road (approximate length 380 linear feet). 6. Addition of perspective drawings for the site.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nealon/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Eschert, Johnson, Labovitz and Nealon</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Lathrop and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nealon/Labovitz	Yeas:	Allen, Eschert, Johnson, Labovitz and Nealon	Nays:	None	Absent:	Lathrop and Walker	Recused:	None
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Nays:	None										
Absent:	Lathrop and Walker										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. One Commissioner asked if traffic was an issue due to the close proximity of an abutting preschool and St. Gabriel's school across the street. CDOT staff responded that the petitioner conducted an independent evaluation of the traffic in the area and there were no resultant traffic concerns.
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STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

The abutting property to the northwest was rezoned in 2011 (rezoning petition 2011-030) in order to allow the construction of a preschool and child development center for up to 220 children.

• Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
 - Construct a preschool/child development center accommodating approximately 178 children, infant through pre-kindergarten and an afterschool program for elementary school age children, in a maximum 13,000-square foot building.
 - Proposed maximum building height of 30 feet.
 - Off-street parking area consisting of 52 spaces (including 3 handicap spaces).
 - Proposed abandonment of remaining portion of Bermuda Road right-of-way to be incorporated into rezoning site for improvements associated with new development, resulting in an increase in the size of the rezoning area from 1.86 acres to 1.968 acres.
 - Construction of a five-foot high brick wall along Westbury Road, increasing to six feet in height where it borders the play area. Proposed interruptions in brick wall along Westbury Road will accommodate facility pathways connecting to new sidewalk along Westbury. Landscape plantings are proposed along sections of the wall that will be facing Westbury.
 - Access to the site proposed from Providence Road via an existing driveway constructed with the existing school.
 - Internal pedestrian and vehicular connections between existing and proposed facilities via a new two-way drive and pedestrian path.
 - A 20-foot class "C" buffer along rear property line.
 - A five-foot sidewalk and eight-foot planting strip along Westbury Road. Planting strip may be reduced to six feet and sidewalk may meander in order to preserve existing trees.
 - Four-sided architecture proposed with exterior building materials primarily brick with accents of precast stone or concrete and synthetic stucco. Visible roof materials will be architectural shingles.
 - Identification of possible tree save areas.
 - Five-year vested rights.

• Public Plans and Policies

- The *South District Plan* (1993) recommends multi-family residential uses on the rezoning site. The petition is inconsistent with the *South District Plan*. However, area plans frequently do not specify locations for institutional uses and the proposed development is compatible with surrounding uses.

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:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** 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*.
 - This site meets minimum ordinance standards.
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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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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