

REQUEST	Current Zoning: R-4 (LWPA) (single family residential, Lake Wylie Protected Area) Proposed Zoning: INST(CD) (LWPA) (institutional, conditional, Lake Wylie Protected Area)
LOCATION	Approximately 0.504 acres located on the east side of Valleydale Road across from Mellwood Drive. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow the construction of a child care facility for up to 40 children.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Phyllis Hough Phyllis Hough Harold J. Jordan
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Northwest District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Northwest District Plan</i> recommends residential uses for the subject property. <p>Therefore, this petition is found to not be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed request is incompatible with the residential context in which it is located; and • The property is in close proximity to adjacent single family homes; and • The proposed parking area is located in what is considered the front yard; and • There is no drop off area; <p>By a 5-1 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend DENIAL of this petition. The following changes have been made since the public hearing:</p> <ol style="list-style-type: none"> 1. Corrected Note 2A under Permitted Uses to accurately reflect the proposed building square footage and number of children, to be consistent with the information provided in the Development Data Table. 2. Amended information regarding Amount of Open Space under Development Data Table to read "Per Ordinance." 3. Removed Architectural Standards Note 4A that read "The site will comply with All Architectural standards set forth in the Ordinance" from the site plan. 4. Added Architectural Standards language that states there will be no expanse of blank walls greater than 20 feet. 5. Added Architectural Standards note that states proposed building will be residential in character. 6. Amended Existing and Proposed Zoning information under Development Data Table to note LWPA, not LWWPA. 7. Labeled zoning of abutting properties. 8. Labeled width of Valleydale Road and Mellwood Drive. 9. Added a note that the required buffers will not be reduced 25%
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	<p>with a wall or a fence.</p> <p>10. Labeled height of proposed chain link fence (with plastic coating) to surround playground.</p> <p>11. Corrected misspellings on the site plan.</p>
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VOTE

Motion/Second: Ryan/Sullivan
 Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan
 Nays: Lathrop
 Absent: Labovitz
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this petition to the Zoning Committee, describing the surrounding uses, the site plan, and inconsistency with the adopted Plan. The presence of an activity node at the intersection of Valleydale and Bellhaven Roads, with retail and institutional uses was identified. Staff stated that this area had been under development pressures, noting a recent rezoning that was withdrawn by the petitioner.

Staff stated the adopted area plans do not specify locations for institutional uses, and that such petitions are reviewed on a case-by-case basis. Staff indicated this particular petition was of concern because of its relationship to adjacent and surrounding single family homes.

A Commissioner noted that this type of use served the neighborhood and requested clarity regarding the issue with moving a home child care use from an existing house to a new house. Staff clarified that the petitioner/operator intended to move the child care from a home into a new non-residential structure.

There was discussion about the parking area and concerns about circulation with the lack of a pick-up/drop off area. Staff indicated that the number of children was reduced from 60 to 40 in an attempt to address that issue. Lighting was briefly discussed, and staff confirmed that the proposed height of freestanding lighting was 15 feet.

A Commissioner expressed concern that the location of the parking lot was not consistent with the character with the surrounding homes. The Commissioner further noted that the challenges with the design may be an indication that the use and the proposed intensity is probably not appropriate on this particular site.

A Commissioner asked about attendance at the community meeting and staff responded five persons attended and that none of those persons resided in the immediate area. A Commissioner asked if anyone spoke in opposition to the request at the public hearing, and staff noted that no one spoke against the petition. There was no further discussion of the petition.

MINORITY OPINION

The minority of the Zoning Committee felt the proposed use was a benefit to the neighborhood and that no one spoke in opposition at the public hearing.

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:

- Allows for the construction of a child care facility for up to 40 children within a new 2,900-square foot building, along with a playground area behind the building.

- Limits building height to 40 feet and one story.
 - Provides 11 parking spaces, including one space for every 10 children and one space for every teacher.
 - All freestanding lighting and all exterior lighting on buildings will be full cut-off type fixtures and shielded in such a way that the light source shall not cast light directly on adjacent residentially used/zoned property. Maximum height of any freestanding lighting shall not exceed 15 feet.
 - Front building elevations with siding of residential style and color to be selected by owner.
 - Language stating there will be no expanse of blank walls greater than 20 feet.
 - Language noting that proposed building will be residential in character.
 - Development note stating that required buffers will not be reduced 25% with a wall or a fence.
 - A 12-foot wide Class "C" buffer abutting residential zoning and/or use, with a six to eight-foot tall wood fence.
 - A six-foot sidewalk extending from the building to the public sidewalk along Valleydale Road.
 - A six-foot sidewalk and eight-foot planting strip along the project frontage on Valleydale Road.
 - **Public Plans and Policies**
 - The *Northwest District Plan* (1990) recommends single family residential uses at a density of up to four dwelling units per acre. Area plans do not typically provide recommendations for institutional uses, and these uses are considered on a case-by-case basis.
 - The petition is inconsistent with the *Northwest District Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** CDOT states that, after reviewing the subject site, the proposed trip generation, and CDOT's experience with drop-off and pick-up operations for day care facilities, CDOT does not believe the site is large enough to accommodate the necessary traffic circulation for the proposed land use.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** 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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- Inconsistent with the Northwest District Plan's recommendation for single family at a density up to four units per acre. Area plans typically do not provide recommendations for institutional uses, which are considered on a case-by-case basis. In this case, the parking area is located in what is considered the front yard and there is no drop off area. In addition, the proposed request is not compatible with the residential context in which it is located and is in close proximity to adjacent single family homes.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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