

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-C(CD) (urban residential - commercial, conditional)
<b>LOCATION</b>	Approximately 1.50 acres located on the east side of Providence Road across from Springs Farm Lane. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes allow the construction of a new child care facility to accommodate up to 185 children and 20 employees.
<b>PROPERTY OWNER</b>	Matthew D. Bradbury
<b>PETITIONER</b>	David Willis
<b>AGENT/REPRESENTATIVE</b>	John Carmichael/Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-1 to recommend <b>WITHDRAWAL</b> of this petition.
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<b>VOTE</b>	Motion/Second: Sullivan/Eschert Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, and Sullivan Nays: Wiggins Absent: None Recused: None
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**ZONING COMMITTEE DISCUSSION** Staff presented this item to the Committee, noting that all outstanding issues had been resolved and that the members were in receipt of an email from the agent expressing intent to pursue withdrawal of the rezoning petition prior to the City Council's September 21, 2015 meeting. Staff further explained that after communicating with the City Attorney's Office on the status of this petition, that it was indicated that the Committee may recommend approval, denial, withdrawal, or a combination. The Committee briefly discussed the options. There was no further discussion of this request.

**MINORITY OPINION** Commissioner Wiggins felt that a deferral would allow additional time to resolve the situation.

**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](http://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 185 children within a new building containing a maximum 12,000 square feet of gross floor area and a playground area located south of the building.
  - Maximum building height will be 28 feet.
  - A maximum total of six (6) total accessory special events per year at the childcare center. Accessory special events shall include parents' night out or parents' morning out; fundraising activities or events; and neighborhood or community events, such as an Easter Egg Hunt.

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- Provides 40 parking spaces, including one space for every 10 children and one space for every employee.
  - Requirement that petitioner secure parking to accommodate any excess parking requirements for any accessory special event (other than parents' night out or parents' morning out). Off-site parking may not be located in a public right-of-way.
  - A 30-foot setback from Providence Road future back of curb.
  - Provides an 18-foot wide "Class C" buffer along a portion of the property line and along the east property line, and a 10-foot wide "Class C" buffer along a portion of the southern property line. These buffers exceed the Zoning Ordinance requirements as UR (urban residential) districts are exempt from buffer requirement contained in the Zoning Ordinance.
  - New six-foot sidewalk and eight-foot planting strip along site's frontage on Providence Road.
  - Minimum five-foot wide sidewalk connecting proposed building and parking area to new sidewalk along Providence Road.
  - Street cross-section depicting proposed landscaping along site's frontage on Providence Road.
  - Prior to issuance of a certificate of occupancy, petitioner will dedicate and convey to the City of Charlotte right-of-way measuring 50 feet from center line of Providence Road.
  - Prior to issuance of a certificate of occupancy, petitioner will modify the existing u-turn bulb in northbound Providence Road adjacent to the site to create a right-turn lane into the site as generally depicted on the rezoning plan.
  - Detail of six-foot opaque vinyl fence to be installed on the site along the east and south property lines, and a portion of the north property line. The fence will also enclose proposed play area.
  - Maximum height of freestanding lighting limited to 20 feet. Lighting fixtures attached to any building will be decorative, capped and downwardly directed.
  - Freestanding lighting fixtures shall turn off no later than 10:00 p.m. each evening, and they may not turn on prior to 5:30 a.m. each morning.
  - Provides front, left side and rear building elevations noting proposed materials.
  - Doors on the north elevation of the building may be used for emergency purposes only.
  - **Public Plans and Policies**
    - The *South District Plan* (1993) recommends single family residential on the subject site. 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 *South 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:** 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.
  - **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**

- No issues.
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**Attachments Online at [www.rezoning.org](http://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

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