

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional) with five-year vested rights
LOCATION	Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes to allow the construction a 5,600-square foot child care facility with up to 79 students on an undeveloped/vacant lot generally surrounded by single family residential neighborhoods, and across from a religious institution.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Bruce Gettys Janice White c/o Anointed Future Daycare Mario A. Hodge, HCNC Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Eastland Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends single family land uses. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The site is located on Hickory Grove Road, an existing minor thoroughfare; and • The site is separated from abutting properties by utility lines and water quality buffers; and • As a result, this site is isolated and a cohesive and interconnected development that includes this site and abutting properties is not feasible; and • Although the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for new institutional uses are not typically identified within adopted plans; and • Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and • In this case, the proposed daycare is separated from other properties; is located across Hickory Grove Road from another institutional use, Hickory Grove Church of God; and is limited to 5,600 square feet and 40 feet in height, a size that is appropriate for a residential environment; <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Showed the proposed two-way vehicular movement within the site for all drive aisles. 2. Showed and labeled the required 18-foot "Class C" buffer required along the side and rear of the site abutting single family residential zoning to the west and south of the site. The buffer requirement to the east of the site is waived because the 50-foot Post Construction buffer is being dedicated to
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- Mecklenburg County.
3. Added Note 4C under "Architectural Standards" that the front of the building will be detailed with an entrance that will read as a primary entrance and the building will be residential in character with a pitched roof (no less than 5:12), will not exceed two stories, that windows will be of residential character, and there will be visible trim around windows, doors and cornices.
 4. Amended Note 5a under "Streetscape and Landscaping" to specify the tree save commitment is to attempt to retain 25% of all tree canopy in side and rear yards.
 5. Amended Note 7A under "Parks, Greenways and Open Space" to state the 50-foot Post Construction buffer will be dedicated to Mecklenburg County and the dedication will take place prior to the issuance of the certificate of occupancy for the building.
 6. Corrected the 35-foot Post Construction Stormwater Ordinance buffer delineation along the rear property line and the 50-foot Post Construction Stormwater Ordinance buffer delineation along the eastern side of the parcel to reflect measurement outward from the top of the channel bank.
 7. Submitted a wetland determination letter.
 8. Specified the correct maximum building area under Development Data, Permitted Uses and on Sheet RZ-1 as 5,600 square feet.

VOTE

Motion/Second: Watkins/Majeed
 Yeas: Labovitz, Lathrop, Majeed, Spencer, Watkins, and Wiggins
 Nays: None
 Absent: Eschert
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition noting that there are no outstanding issues. The petition is inconsistent with the *Eastland Area Plan*, which recommends single family land uses. However, the proposed institutional use is separated from other properties, is located in close proximity to another institutional use, and will be limited in size and height so as to be appropriate for a residential environment.

There was no further discussion.

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:

- Construction of a 5,600-square foot building to accommodate a child care facility with up to 79 students.
- Maximum building height of 40 feet.
- Outdoor play space provided to rear of site.
- Architectural commitments include proposed metal roof; James Hardie or Typical (non-vinyl) lap siding; and store front windows and entrance doors, with doors to the play area.
- The front of the building will be detailed with an entrance that will read as a primary entrance. Building will be residential in character, with a pitched roof (no less than 5:12), will not exceed two stories, windows will be of residential character, and there will be visible trim around windows, doors and cornices.
- Two new two-way driveways will allow access to Hickory Grove Road.
- Internal five-foot sidewalk system connecting building to outdoor play areas, parking areas, and new sidewalk along Hickory Grove Road.
- New six-foot sidewalk and eight-foot planting strip are proposed along Hickory Grove Road.
- An 18-foot wide "Class C" buffer will be provided as required abutting single family residential

zoning located to the west and south of the site.

- A 35-foot Post Construction Stormwater Ordinance buffer is identified adjacent to the rear property line.
- Dedication of a 50-foot Post Construction buffer to Mecklenburg County, and the dedication will take place prior to the issuance of the certificate of occupancy for the building.
- Tree save commitment is to attempt to retain 25% of all tree canopy in side and rear yards.
- **Public Plans and Policies**
 - The *Eastland Area Plan* (2003) recommends single family residential land uses at up to four units per acre.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a minor thoroughfare between unsignalized intersections. The current site plan, showing two separate full movement access points with no internal circulation, does not meet CDOT's expectation for access management for small, single-use parcels.
 - See Outstanding Issues, Note 1.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 70 trips per day (based on five single family dwellings).
 - Proposed Zoning: 415 trips per day (based on 5,600 square foot child care center).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** 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.

OUTSTANDING ISSUES

Transportation

1. The site will have two direct access points to a minor thoroughfare. Petitioner should revise the site plan to show a single full movement access point or reinstate the backside drive aisle and create a one-way circulation around the building.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department 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
 - Transportation Review
 - Charlotte Water Review

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