

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-135

Property Owner: RIF 402 LLC

Petitioner: CPD Australia P/L

Location: Approximately 3.22 acres located on the west side of S. Tryon Street between W. Arrowood Road and Thornfield Road

Center, Corridor or Wedge: Center

Request: B-1SCD, business, shopping center district to B-1(CD), neighborhood business, conditional

Summary

The request is to rezone approximately 3.22 acres from B-1SCD to B-1(CD) in order to allow the operation of a child care facility with up to 220 children and 28 staff persons. The site is currently vacant and the proposal calls for the construction of a one-story building consisting of approximately 15,540 square feet with associated landscaping and parking.

Consistency and Conclusion

The request is generally consistent with the *Southwest District Plan*, which calls for retail development on the subject parcel. Staff supports this request subject to the petitioner addressing outstanding site plan issues.

Existing Zoning and Land Use

The subject parcel is generally surrounded by a mix of multi-family and commercial uses. Commercial uses are located to the north, northwest, west, and southeast on properties zoned B-1SCD and B-1. To the northeast, east, and southwest are multi-family developments on properties zoned R-17MF and R-17MF(CD). The subject site was part of the Whitehall rezonings approved in 1986.

Rezoning History in Area

The most recent rezoning in the area was the approval of Rezoning Petition 2007-25, which rezoned a .71-acre parcel at the northeast corner of W. Arrowood Road and S. Tryon Street from B-1SCD to B-1(CD) in order to allow redevelopment of the site.

Public Plans and Policies

The *Southwest District Plan* recommends retail, which is generally consistent with the request to rezone the subject parcel to operate a day care facility.

Proposed Request Details

The request involves the rezoning of 3.22 acres to accommodate the operation of a day care facility with up to 220 children and 28 staff people. The site plan accompanying the rezoning petition provides the following additional details:

- Construction of a one-story, 15,540 square-foot child care facility with 22,625 square feet of play ground area
- Parking area consisting of 52 parking spaces, 3 handicap spaces, and one bus space
- Tree save area along the east property line and adjacent to S. Tryon Street
- Utilization of existing stormwater detention pond for on-site stormwater management
- Remove existing driveway access (asphalt and curb) off S. Tryon Street and replace with sidewalk and curb and gutter.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed the petition and states that the site could generate approximately 1,030 trips per day as currently zoned, and approximately 1,050 trips under the proposed zoning classification. CDOT has provided comments that must be addressed in order to support the petition, which are as follows:

1. CDOT recommends that the layout of the site be reconfigured to incorporate the use of the existing Type II driveway connection to South Tryon Street. If not, then the site plan needs to note that this existing driveway will be removed and replaced with curb, gutter, and sidewalk.
2. The proposed bus parking space blocks access to the accessible parking space and reduces the required width of the parking/circulation aisle and cannot be approved as shown.

CDOT has also provided comments pertaining to the project permitting phase, including conveyance of right-of-way along S. Tryon Street, reservation of adequate sight triangles, Right-of-Way Encroachment Agreement, and building and driveway permit reviews and approvals.

CATS. CATS has not provided comments on this petition.

Connectivity. The plan proposes to provide connections to existing driveways within the adjacent commercial areas, accessing a primary entrance off S. Tryon Street.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has reviewed the petition and has requested submittal of a Solid Waste Management Plan. LUESA has also provided notes pertaining to storm water quality treatment and storm water volume and peak controls. Charlotte-Mecklenburg Storm Water Services (SWS) has reviewed the petition and notes downstream complaints consisting of erosion. SWS has also requested that notes be added to the plan regarding storm water storm water quantity control treatment and storm water volume and peak controls.

School Information. CMS has not submitted comments on this petition.

Outstanding Issues

Land Use. The request is consistent with the *Southwest District Plan*, which recommends retail on the site in question.

Site plan. The following site plan items must be addressed in order to support this petition:

1. Add a development note to the site plan identifying proposed and allowed uses.
2. Provide a detail showing how this site relates to the overall shopping center.
3. Label play area on site plans.
4. Clearly show rezoning boundary where new driveway connection is proposed.
5. Add a development note to the site plan indicating lighting will be fully shielded and no wall 'pak' will be permitted.
6. Add notes to the site plan as requested by LUESA and SWS.