

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-080

Property Owner: Don R. Reynolds and Carolyn O. Reynolds

Petitioner: Lorenzo J. Cavaliere

Location: Approximately 2.34 acres located on the southwest corner of Providence Road West and Marvin Road

Center, Corridor, or Wedge: Wedge

Request: R-3, single family residential to INST (CD), institutional conditional district

Note: This petition was deferred at the June 16, 2008 City Council meeting due to fact that the community meeting was not held. The petitioner is requesting that the Council decision be made on the same night as the Public Hearing (July 21, 2008).

Summary

This petition seeks to rezone 2.34 acres to INST (CD) to allow a 13,000 square-foot child care center that would serve up to 191 children.

Consistency and Conclusion

The *South District Plan* (1993) shows the subject property as single family residential. A child care center is considered an institutional use and such uses are not specifically designated in districts plans. However, child care centers are generally supportive of residential development and are considered a compatible use. As such, the proposed child care center is considered appropriate for approval, subject to resolution of the outstanding site plan issues.

Existing Zoning and Land Use

The property borders very large lot single family residential on the south and east. Single family residential development exists across Providence Road West to the north, and is zoned R-4, while other surrounding property is zoned R-3.

Rezoning History in Area

In the past decade, there have been numerous parcels rezoned to R-12MF (CD) and R-8MF (CD) in the general vicinity of this parcel. The latest approved rezoning was south of the subject property, along Marvin Road (#2004-139). In that petition, the parcel was rezoned to R-8MF (CD) for 53 attached single family units. In 2003, petition #2003-013 was approved which rezoned property along Providence Road West to R-8MF (CD) for 54 townhomes.

Public Plans and Policies

The *South District Plan* (1993) shows the subject property as single family residential. A child care center is considered an institutional use and such uses are not a designated use in district plans. However, child care centers are generally supportive of residential development and are considered a compatible use.

Proposed Request Details

The site plan accompanying this petition shows a general layout for a 13,000 square-foot child care center for 191 children, with the following improvements:

- A playground of 12,006 square feet, enclosed with a wood fence.
- 51 parking spaces are provided.
- A Class C buffer of 12' with a fence is provided along two sides of the property that abut single family districts and uses.
- Building height is 45'.
- Setbacks are measured from the future right-of-way.

Public Infrastructure

Traffic Impact / CDOT Comments. Consistency with Transportation Action Plan (TAP):

The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Wedge and appears to support the Centers, Corridors and Wedges land use strategy.

Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Vehicle Trip Generation

This site could generate approximately 40 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,190 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CATS. CATS has no comments at this time.

Connectivity. The petitioner has proposed a driveway connection to Providence Road West, aligning across the street to Rothesay Drive. A pedestrian connection from the building is proposed to both Providence Road West and Marvin Road.

Storm Water. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

School Information. The development will not impact the school system.

Outstanding Issues

Land Use. The proposal is consistent with the *South District Plan*, which calls for single family residential uses on this site. Institutional uses, such as a child care center, are generally supportive of residential development and are considered a compatible use.

Site plan. The following site plan issues are outstanding:

- The petitioner is required to provide a 20 foot Class C buffer along the property line to the west.
- The petitioner is required to provide a 20 foot Class C buffer along the side yard, located on the south side of the property. The petitioner proposes a 16 foot buffer along a portion of the side yard, then a 12 foot buffer.
- The playground cannot be located in the buffer.
- The petitioner cannot locate the outdoor play space and equipment inside the required side yard, as per Section 12.502(3)(e).
- The petitioner should also correct the site data chart, Item #4 to show the correct side yard required (20 feet) and provided (25 feet).
- The petitioner should identify large specimen trees that will be preserved on site.
- The petitioner should fix the discrepancy in materials between the “wood fence detail” and Note #4.
- The petitioner should identify the materials used for the screening wall around the dumpster, rather than provide multiple options.
- The petitioner should re-label the “Parking Summary” to read “Project Summary”.
- The petitioner should label the dotted line around the building footprint.
- The petitioner should meet the Tree Ordinance requirements for parking lots, which states that parking spaces shall be within 60’ of a tree. Add a note to this effect, or show additional trees on the site plan.
- The petitioner should add the information requested by Storm Water Services to the site plan, regarding wetland and water quality permits.
- The petitioner should add a note to the site plan that the water supply wells will be abandoned per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity.
- The petitioner should add a note to the site plan that the existing septic tanks shall be located, pumped by a licensed waste hauler to removal residual contents, crushed and backfilled prior to any demolition or grading activity.
- The petitioner should modify Note #6 to state that the petitioner will comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- The petitioner should amend Note #13 to state “The petitioner will provide and stripe a left-turn lane....”