

**July 20, 2015**

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<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 to allow the construction of a new child care facility to accommodate up to 185 children and 20 employees.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of the outstanding issues. This petition is inconsistent with the <i>South District Plan</i> , which recommends single family residential on this property. However, area plans typically do not specify locations for institutional uses. The proposed use is appropriately located on a major thoroughfare and is designed to minimize noise and traffic impacts.
<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

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#### **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 behind the building.
- 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.
- 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.
- Provides an 18-foot wide "Class C" buffer along the north property line and along a portion of the east property line, and a 10-foot wide "Class C" buffer along 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 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.

- Maximum building height of 28 feet.
  - **Existing Zoning and Land Use**
    - The subject site is developed with a single family residence built in 1923, and is surrounded by primarily single family residential homes, with some attached single family and multi-family residential developments, and institutional uses on properties zoned R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), R-9 PUD (planned unit development), and R-15 PUD (planned unit development).
  - **Rezoning History in Area**
    - Rezoning petition 2015-038 was approved on May 18, 2015, rezoning approximately 9.48 acres located on the west side of Providence Road between Cedar Croft Drive and Candlewyck Lane from R-15 PUD (planned unit development) to R-4(CD) (single family residential, conditional) and INST(CD) (institutional, conditional), allowing the development of 20 single family detached homes on approximately 5.7 acres, with an existing religious institution located on the remaining 3.78 acres. Part of the commitment for this proposed development is provision of escrow funding (\$85,000) for a traffic signal at Candlewyck and Providence Roads.
  - **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.
    - **Vehicle Trip Generation:**  
Current Zoning: 860 trips per day.  
Proposed Zoning: 810 trips per day.
  - **Charlotte Fire Department:** No comments received.
  - **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.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Show possible tree save areas on site plan.
    2. Show and label the future back of curb along Providence Road.
    3. Measure the setback from the future back of future curb, instead of the right-of-way line.  
Increase setback to a minimum of 30 feet from back of future curb along Providence Road. Add a note that the sidewalk may meander in the setback for tree preservation.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- 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